

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
MACON DIVISION

ADAM SINDELL,)
Plaintiff,)
) CIVIL ACTION
vs.) FILE NO.5:22-cv-00365
)
LATONYA COACH, et al.,)
Defendants.)
-----/

Zoom Videotaped and Video-Conferenced Deposition of
ADAM HARLAN SINDELL, taken on behalf of the Defendants,
for the purposes of cross-examination, discovery and for
any and all other purposes provided by the Federal Rules
of Civil Procedure, pursuant to Notice and by agreement
of the parties, all formalities waived, before Gaye D.
Traynor, Certified Court Reporter, at Macon-Bibb County
Detention Center; 668 Oglethorpe Street; Macon, Georgia,
commencing at 1:19 p.m. on Friday, March 24, 2023.

BULL & ASSOCIATES, INC.
COURT AND DEPOSITION REPORTERS
315 W. Ponce de Leon Avenue, Suite 650
Decatur, Georgia 30030
(404) 256-2886

1 **APPEARANCES OF COUNSEL:**

2 **On behalf of the Plaintiff:**

3 JESSICA SWORDS BURTON, Esquire
4 BERNARD & JOHNSON, LLC
5 5 Dunwoody Park
6 Suite 100
7 Atlanta, Georgia 30338
8 PH: 404.477.4755
9 EMAIL: jessica@justice.law

10 **On behalf of the Defendants:**

11 JASON C. WAYMIRE, Esquire
12 WILLIAMS & WAYMIRE, LLC
13 4330 South Lee Street
14 Building 300, Suite A
15 Buford, Georgia 30518
16 PH: 678.541.0790
17 FAX: 678.541.0789
18 EMAIL: jason@wmwlaw.com

19 **Also Present:**

20 **Lt. Grant, Macon-Bibb County Jail**

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4 ADAM HARLAN SINDELL

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21 (In the following transcript, dashes [--] are
22 used to indicate an intentional or purposeful
23 interruption of a sentence, and ellipsis [...] is used
24 to indicate halting speech or an unfinished sentence in
25 dialogue, written material.)

1 (Reporter's disclosure presented and
2 attached hereto.)

3 MR. WAYMIRE: Begin video 1:19 p.m.

4 Let me just say a few things, and then
5 we'll swear you in, Mr. Sindell --

6 THE WITNESS: Yes, sir.

7 MR. WAYMIRE: -- and start asking you
8 some questions.

9 This will be the deposition of Mr. Adam
10 Sindell taken in the case of Sindell V Coach and
11 other folks by the defendants pursuant to
12 agreement of counsel and Notice.

13 We're going to reserve all objections
14 except -- except as to form of the question and
15 responsiveness of the answer.

16 Is that agreeable?

17 MS. BURTON: Agreeable.

18 MR. WAYMIRE: And do you have a
19 preference as to reading and signing?

20 Do you want to decide now or later?

21 MS. BURTON: We'll reserve for now.

22 MR. WAYMIRE: All right. Fair enough.

23 This young lady is going to swear you,
24 Mr. Sindell, and I'm going to start asking you
25 some questions.

* * *

ADAM HARLAN SINDELL

being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. WAYMIRE:

Q All right, sir. Could you start by telling us your full name?

A My full name is Adam Harlan Sindell.

Q And what year were you born?

A 1975.

Q We're here in the Bibb County Jail. You
with that?

A Yes, sir.

Q And we're here 'cause you're here. This is where you're staying right now; right?

A Yes, sir.

Q Where do you normally live when you're not here?

A I live normally in middle Georgia area:
Macon, Georgia.

Q Is there a particular address?

A Yes, sir.

Q What is that?

1 A 198 Highway 57; Macon, Georgia 31217.

2 Let me just say that that's not where I
3 live anymore. I'm selling that property so...

4 Q Yeah. Who do you live there with? Or
5 who did you live there with until you came here?

6 A My fiancée.

7 Q And who is that?

8 A Kayla Roberts. My two children. Sorry.

9 Q I take it they're under the age of 18?

10 A Yes, sir.

11 Q And how long have you lived with Kayla?

12 A Not at that address. I've lived with
13 Kayla about three years.

14 Q Over those three years has anybody
15 else -- any other adults lived with you?

16 A No, sir.

17 Q Tell me, what kind of -- well, let's --
18 let's talk about school first.

19 You grew up where? Florida? South
20 Florida?

21 A Yes, Hollywood, Florida.

22 Q Hollywood, Florida. You graduated high
23 school?

24 A Yes, sir. I have a -- I went to a
25 vocational school afterward for a year.

1 Q What kind of vocational school?

2 A Business and customer service technology.

3 Q And did you get any kind of certificates
4 or IDs or something?

5 A Yes, sir.

6 Q What's that?

7 A Just a vocational short period. I got it
8 from Middle Georgia Tech. actually so but it's just a
9 vocational -- just a certificate type of course, you
10 know. I'm not sure exactly what they call it, but
11 it's -- it was a -- took me a year to get it, and it
12 was about windows basically, learning how to do
13 windows and do business -- business-type course.

14 Q And then so what kind of work have you
15 done?

16 A I've done this -- I've had the same job
17 my entire life. I worked for my father's
18 construction company. I progressed from, you know, a
19 menial laborer all the way up to project manager.

20 Q Is that commercial? Residential? Both?

21 A Commercial, sir. Build mausoleums in the
22 cemeteries.

23 Q And where about?

24 A The company is based in middle Georgia in
25 Warner Robins, Georgia. But all the work was out of

1 state, mostly Miami and New Jersey.

2 Q So I take it that before you came here,
3 you're -- you were still working for that company?

4 A He shut the company down about a year and
5 a half ago maybe due to health concerns.

6 Q And so when the company shut down, what
7 did you do for work?

8 A I moved over to doing work residential.
9 I started doing remodeling, privacy fences, decks,
10 patios, stuff like that.

11 Q Just working for yourself?

12 A Yes, sir.

13 Q So it a company? Or is it word-of-mouth
14 sort of thing?

15 A I had a business license under the name
16 Concreation. I had a business license under the name
17 Concreation, C-O-N creation. I only had that for one
18 year.

19 And then after that I did a sole
20 proprietorship that was just my own. But it -- I'm
21 not sure if it's listed in the -- in the books or
22 not, but I was working for myself so...

23 Q I understand that you have sued about an
24 incident that happened at the Houston County Jail and
25 that you are claiming personal injuries from that?

1 A Right now?

2 Q Well, you claim, I think, that in
3 connection with the incident at the Houston County
4 Jail you were injured?

5 A Yes, sir.

6 Q Your body was injured?

7 A Yes, sir.

8 Q All right. So my question while we're
9 talking about work is, did you miss any work or were
10 you unable to do some kind of work due to some kind
11 of injury that you claim you sustained in this
12 incident?

13 A Yes, sir, absolutely. That's really the
14 main cause of me bringing this lawsuit forward is
15 because I can barely do anything that I used to do as
16 far as my back starts hurting real early in the day.

17 I used to work 12-, 15-hour days. And
18 now I get two hours into a workday, and -- and I
19 can't even continue on. So that's what led me to
20 bring this lawsuit forward is that I realized that my
21 back's really messed up so...

22 Q So what part of your back is hurt?

23 A I guess you would say lower back.

24 Q And so the symptoms are still ongoing?

25 A They're hurting right now, sir, as we

1 speak.

2 Q Have you ever gotten any kind of medical
3 treatment for that?

4 A I've had medical treatment in Houston
5 County Jail. They sent me to specialists. I went
6 there. They gave me medication.

7 When I got out, I was in the process of
8 trying to find a doctor that would -- I didn't have
9 the money basically for a doctor so I was trying to
10 find someone that would, you know, work with me or
11 whatever. And it was kind of difficult to find
12 proper treatment because of that, that I didn't have
13 the cash. I didn't have the cash because I'd just
14 been released from incarceration and hadn't been, you
15 know, working then.

16 Then I wasn't able to do the same jobs I
17 was because my back was hurting so bad. So I
18 couldn't make as much money, and I really couldn't
19 afford proper medical care, you know.

20 Q So what I'm hearing -- you correct me if
21 I'm wrong. What I'm hearing, though, is that you
22 received some medical treatment for your back while
23 you were incarcerated in Houston County Jail. But
24 then after you were released, no medical treatment
25 for your back; is that right?

1 A Yes, sir.

2 Q So while you were in the jail, let's just
3 talk about your -- the treatment that you got for
4 your back. Explain that for me.

5 A They gave me -- they sent me to a
6 specialist, and he said that there's definitely a
7 problem. And he prescribed different medications. I
8 took them. They were -- they worked somewhat, you
9 know. He said that I'd be able to get more, you
10 know, in-depth with my treatment once I got out.

11 Let me just say that when I got out, I
12 mean, there really wasn't a lot of time, you know,
13 for me to -- I got -- it wasn't -- they gave me
14 medication to take home with me. And then, you know,
15 it wasn't a long time, you know, from the time that I
16 got out and that medication ran out until the time
17 that I was -- you know, had some more legal issues
18 and was, you know, incarcerated again so...

19 Q So you talked about medication. What
20 medication were you prescribed?

21 A I don't know, sir. Houston County Jail
22 could give you the record of that. But I'm not sure
23 of the type. I just took it so...

24 Q Was it -- I know you might not know the
25 name of it. But was it in the nature of pain

1 medication or something else?

2 A It was definitely pain. They gave me one
3 for pain medication and one for muscle relaxer type
4 and one for a -- like a sedative-type thing so I
5 could sleep. And they gave me an extra mattress and
6 extra blanket and, you know, different things to
7 accommodate my -- my back.

8 Q Who was the specialist that you talked
9 about?

10 A They -- they would have to tell you, sir.
11 I can't remember. It's been a couple years ago.

12 Q Did the actual jail medical staff give
13 you any treatment or evaluate you?

14 A Not really, sir. It was during the COVID
15 thing, and they -- they diagnosed me over a laptop
16 computer, you know, on a video chat. And I -- and I
17 complained about that, wrote grievances: Hey, how
18 can I properly be diagnosed over a laptop?

19 The doctor originally told me to hold my
20 elbow up to the -- to the camera on the laptop. And
21 I really didn't even have a problem with my elbow,
22 you know. So it was kind of -- I wrote a grievance
23 and saying: Hey, you know, this is not right. And
24 when I did, then they sent me to the hospital.

25 And then the doctor at the hospital

1 referred me to other people and kind of forced them
2 to -- or I don't know, told them that they needed to
3 give me better treatment than what I was getting.

4 Q Did you ever have any kind of diagnostic
5 imaging, like an MRI or something of that nature?

6 A Yes, sir, I did. It was nine days after
7 the incident. The doctor said that I was supposed to
8 have had a CAT scan immediately because I was knocked
9 unconscious. And but they didn't take me to the
10 hospital for nine days after the incident happened.

11 Q So when you went to the hospital, was it
12 an MRI that happened?

13 A They -- I think it was a CAT scan maybe.

14 Q To your head?

15 A Yes, sir. I was slammed on my head as
16 well as my back. My head hit the concrete first so
17 there was blood everywhere, and that's what they --
18 you know, they were the most concerned about 'cause
19 they said I could have some type of bleeding in my
20 head or whatever.

21 Q Was there any kind of imaging on your
22 back?

23 A I don't remember, but I don't think so.
24 Yeah, maybe, maybe. I don't want to say 'cause I'm
25 not positive. I think maybe, but I can't remember

1 for sure.

2 Q But the one thing you remember is some
3 kind of imaging to your head?

4 A For sure I had that done. But the doctor
5 said that he felt like it was a little late. It'd
6 been nine days so -- 'cause I -- that's why I
7 remember that is because he told me that I should
8 have had that done a week ago or whatever so...

9 Q Do you remember any kind of diagnosis
10 about your head?

11 A No, sir.

12 Q Did you ever hear anything from anybody
13 that said there was something wrong with your -- your
14 head or had a brain injury or something like that?

15 A No, I didn't.

16 Q Do you have any information or is there
17 any suggestion here that, you know, you had some kind
18 of brain injury from that?

19 A I mean, I know I had a concussion because
20 I've had a history of concussions. And so I know
21 that -- that I had another concussion because I've
22 went through it before. That -- but, you know, that
23 lasted a week, maybe two weeks, but that wasn't the
24 -- that wasn't the -- to me that wasn't the most
25 serious injury.

1 My back was hurting really bad so I was
2 more concerned with getting that taken care of. I'm
3 kind of the person that doesn't -- doesn't like to --
4 you know, I'm not hurt. I'm fine. I'm -- I'm
5 superman, you know.

6 But after a while I realized: Hey, you
7 know, you're really hurt. You need to get something
8 done about this, you know, so...

9 Q So kind of what I'm hearing about your
10 head at least is that you believe you had a
11 concussion; is that right?

12 A Yes, sir.

13 Q A doctor didn't tell you that; is that
14 true?

15 A That's true.

16 Q And you believe you had -- had a
17 concussion --

18 A Yes, sir.

19 Q -- because you had a history of -- of
20 concussions, and this acted the same way; is that
21 right?

22 A Yes, sir. But let me reiterate that you
23 said that the doctor didn't tell me. I don't know
24 that the doctor didn't tell me. I just don't
25 remember him telling me that.

1 Q Fair enough. Fair enough. I appreciate
2 you adding that.

3 So you say you have a history of
4 concussions?

5 A Yes, sir.

6 Q From what? Playing football?

7 A Martial arts, sir. I had to stop taking
8 them because of it so...

9 Q So before this incident, which I think I
10 believe happened in 2020; is that right? Yeah.
11 Yeah, 2020 -- you'd had how many concussions? Just
12 estimate for me.

13 A I mean, on record? Or are you asking me
14 what I think or...

15 Q Let's go with what you think first.

16 A Actually, I've never actually been
17 formally diagnosed with having a concussion. But, I
18 mean, I've watched football, and it kind of gave me
19 the same impression.

20 But, I mean, never have I been to the
21 hospital and they say: Hey, you've had a concussion,
22 that kind of thing. Because I'm not the type to go
23 to hospitals or to, you know, complain about having
24 any medical problems. I mean, this is -- this is new
25 to me so...

1 Q So in terms of what you believe is a
2 concussion, why don't you define that for us.

3 A Well, just headache not going away for
4 several days after a head trauma, something like
5 that.

6 Q Anything else?

7 A This -- this particular one lasted almost
8 -- I mean, my head was ringing for maybe three weeks
9 so...

10 Q Is there any other symptom that you
11 define as a concussion symptom?

12 A I couldn't -- my eyes, it was -- seemed
13 super bright in the room. I complained to the
14 medical staff that I -- the lights were too bright in
15 my room that -- you know, that when I opened my eyes,
16 it was, you know, giving me worse of a headache.

17 I was nauseous for three or four days,
18 and I had a headache that didn't go away for maybe
19 three weeks.

20 Q Yeah, so those -- that set of symptoms,
21 is that what you associate with having a concussion?

22 A Yes, sir. Yes, sir.

23 Q And so using that as a definition -- a
24 working definition for what a concussion is, how many
25 other concussions did you have before this incident?

1 A Well, none because there was nothing
2 anywhere close to that. I mean, I -- I've had a
3 headache for a day or two. We could say that, and
4 I'd call that a concussion. But until this happened,
5 I never had anything comparable to this happening
6 before so...

7 Q So you had lesser --

8 A Much less.

9 Q -- head trauma?

10 A I'm sorry.

11 Q Lesser head trauma but head trauma before
12 this?

13 A Yes, sir.

14 Q And so -- and that was from martial arts?

15 A Yes, sir.

16 Q And would that be like getting thrown and
17 smacking your head on a -- on the floor or getting
18 punched in the head or what?

19 A Just, you know -- just, you know, it's a
20 physical sport. And, you know, I never had any
21 specific incident that caused me to, you know, bam,
22 though, he's knocked out or whatever.

23 But just -- just the roughness of the
24 sport, you know, and have a headache a little --
25 little -- little later, you know. Next day or

1 something you got a little headache or something. I
2 called that a concussion up until this point, you
3 know, but this was different. You know, it was much
4 more so...

5 Q Before this incident in 2020 in the
6 Houston County Jail, had you ever had some kind of
7 head trauma that caused you to lose consciousness?

8 A No, sir.

9 Q And what kind of martial arts did you
10 practice or do?

11 A Shotakan.

12 Q What's it called?

13 A It's a Japanese style named Shotakan.

14 Q Shotakan. Okay.

15 COURT REPORTER: Spell it for me?

16 THE WITNESS: S-H-O-T-A-K-A-N.

17 BY MR. WAYMIRE:

18 Q And was that a grappling art? Was that a
19 striking art? Was it some of -- some of both?

20 A It's more of a -- it's more of a -- of a
21 grappling type thing. Very few strikes actually.

22 Q All right. We started talking about your
23 work. And the kind of work that you do is
24 construction work. I take it, it's significantly --
25 there's some level of manual labor involved; correct?

1 A Quite a bit, yes, sir.

2 Q And so that's what makes it tough for you
3 to do if you have a back -- if you have back trouble?

4 A Yes, sir.

5 Q So you have lower back pain. Is there
6 anything that particularly triggers the lower back
7 pain? Or is it just with you when you get up in the
8 morning, and it just keeps on going?

9 A Actually I tried to find a specific
10 incident that was making it hurt because I wanted it
11 not to hurt. Whatever I was doing, I would prefer
12 that that didn't happen, you know. And I really
13 can't pin it down because it's just basically -- like
14 I say, it's hurting now.

15 So I don't really think that -- I mean, I
16 don't know honestly if there's a specific incident,
17 if that's your question. It just hurt every day.
18 So, I mean, but it's hurting every day anyway now so
19 I don't know that it was necessarily the work causing
20 it to hurt, you know.

21 Q Yeah. Before this incident in the
22 Houston County Jail that you sued about, did you have
23 any back pain before that?

24 A None, sir. Never.

25 Q Did you ever have back pain?

1 A Never in my life.

2 Q Did you have any other health problems?

3 A No, sir.

4 Q And this incident involved an officer --
5 two officers, some physical incident; right? You'd
6 agree with that?

7 A Three officers.

8 Q Well, I know. But one didn't touch you
9 at all.

10 A Right.

11 Q You agree with that?

12 A Yes, sir.

13 Q Coach didn't touch you at all; right?

14 A Coach did -- did something, too, yes.
15 This was maybe two days prior. I don't know if
16 that's involved or...

17 Q Well, let's -- let's just talk about the
18 time where two male officers approached you.

19 A Okay.

20 Q And then I think you're going to tell me
21 that -- that your head hit the floor. I think you
22 already have.

23 Okay, that's the one that I'm talking
24 about.

25 A Okay. At that point Ms. Coach had not

1 physically assaulted me on that particular day, no.

2 Q I understand. And that's -- that's what
3 I'm getting at.

4 So to go with my -- my line of
5 questioning here then, after that incident, did you
6 go unconscious?

7 A Yes, sir.

8 Q And then where were you when you woke up?

9 A In the hallway outside of my dormitory.

10 Q Was your back hurting then?

11 A They were dragging me by my feet down the
12 hallway. I really -- I was in shock. I really don't
13 know exactly what was going on at that point.

14 Q You weren't noticing your back?

15 A No, I was being drug by the officers by
16 my feet.

17 Q All right. When was the first time that
18 you noticed anything hurting with your back after
19 that incident?

20 A About maybe -- I mean, let me ask you
21 this or let me -- let me get you to clarify the
22 question.

23 When you mean like -- okay, well, let me
24 just answer in two parts. I was hurting -- my back
25 was hurting at the time based on being roughed up a

1 little bit, you know, like banging or whatever.

2 But the -- the pain that I'm having now,
3 the -- the -- the hurt that I'm feeling now and what
4 -- what I -- what's bothering me the most didn't
5 start for about four or five days.

6 Q So you woke up after the incident.
7 You're in a hallway. You're not really noticing your
8 back because other things are going on?

9 A My whole body is hurting, sir.

10 Q And so the next time that you noticed any
11 significant pain with your back is four or five days
12 later?

13 A Yes, sir.

14 Q Is that right?

15 A Yes, sir.

16 Q And so what do you feel?

17 A Pain. Just aching, throbbing pain. It
18 was really bad at first.

19 Q Is this in the lower back?

20 A Yes, sir.

21 Q And if -- well, I would say the lower
22 back kind of starts at the -- the top of the
23 buttocks. Is that where we're talking about?

24 A From the top of my buttocks to about a
25 little less than midway down my back, an area of,

1 say, 10 inches, you know, I guess.

2 Q Yeah. And is it focused on the middle,
3 like the spinal area?

4 A Yes, sir.

5 Q Does it -- is it to the sides at all?

6 A No, sir.

7 Q So it just seems to be focused on the
8 spinal area?

9 A Yes, sir.

10 Q And so describe what you -- what you
11 felt. Is it a -- okay, some people will say: I've
12 got burning pain. Sometimes they'll say: I've got
13 dull pain. I've got stiffness. I've -- you know,
14 all sorts of, you know, variations that pain can be.
15 Explain it to me in your own words.

16 A I don't know, sir. It hurt really bad.
17 I don't know what exact kind of pain it was. It
18 was -- it's hurting right now so right now I feel, I
19 guess, a dull aching-type pain.

20 I can't remember exactly the type of pain
21 that -- that was there four days later, but I know
22 that it was excruciating and it caused me to -- it's
23 what -- I mean, originally I didn't want to seek any
24 legal action or anything like that. I was just going
25 to take it in stride.

1 But my back was hurting so bad I felt
2 like something needed to be said, something needed to
3 be done with my back. You know, I needed to go to
4 Medical. So I filled out the forms, and that's what
5 happens.

6 Q Yeah. All right. So you told me that
7 your -- as we sit here today, you have pain in your
8 back?

9 A Yes, sir.

10 Q And it's -- you're not screaming or
11 jumping up and down?

12 A No.

13 Q So it's bearable. You agree with that?

14 A It's bearable, yes, sir.

15 Q Are you under the influence of any kind
16 of pain medication?

17 A No, sir.

18 Q Do you have any kind of medication going
19 on today?

20 A Yes, I do have some medication, but I
21 don't know exactly what it is. I was given it for a
22 head -- this, my -- I've been assaulted in here so I
23 don't know exactly. They never even told me what it
24 was so, but I've been taking it for like three days
25 now.

1 Q Whatever that medication is, do you think
2 it affects your memory or your capacity to talk to
3 me?

4 A No, sir. Not at all.

5 Q Or understanding what I'm saying?

6 A I don't think so, no.

7 Q Okay. All right. So, at any rate, back
8 to the pain you're feeling right now because that's
9 what you know, you certainly know about that. So
10 would you say it's sharp?

11 A No, sir.

12 Q So kind of dull?

13 A Aching, dull pain.

14 Q Got it.

15 A That's how it felt.

16 Q Is it stiff? Does it -- does it reduce
17 your flexibility at all?

18 A Well, I would say that it reduces my
19 flexibility because it hurts. So if I go to bend
20 down, the pain increases so that would reduce my
21 flexibility.

22 I'm -- I'm not -- I wouldn't say
23 necessarily that it -- that it's inhibiting my
24 movement, but it does inhibit my movement based on
25 the fact that when I go to bend or anything, it

1 hurts. So I have to not -- so I naturally don't try
2 to do that as much or -- I hope that you understand
3 now.

4 Q I understand. So you know what you're
5 feeling today. Going back in time, has it changed at
6 all? In other words, is it different today from when
7 it was in the past?

8 A Basically it -- it -- it's -- it's a
9 very, very light pain until I do anything. And then
10 if I start doing something, like per se if I try to
11 do some push-ups or -- which is something that I've
12 done in the past while incarcerated, I try to do some
13 push-ups. I can't do push-ups like I used to.

14 And then after trying for the rest of the
15 day, my back's in a lot more pain than it would have
16 been had I not tried the push-ups, you know. I hope
17 that answers your question now.

18 Q Yes. So -- so physical activity,
19 significant physical activity makes it hurt more?

20 A Definitely.

21 Q Is that the idea?

22 A Yes, sir.

23 Q And I know you haven't done a lot of
24 physical activity today 'cause you're sitting here.

25 A No, sir.

1 Q Right? Other than that variation, has it
2 changed over time?

3 A I mean, sir, honestly, I mean, I would
4 say it's gotten worse. I mean, you know, I wanted it
5 to go away. I wanted this not to hurt at all. I'm
6 not the type to try to nurse an injury and stuff like
7 that. I'm the type that tries to ignore one, you
8 know. And it -- it really -- it seems to have gotten
9 worse honestly, I mean, to answer your question.

10 Q And so how -- how so?

11 A It just -- it just seems like -- I don't
12 know. It seemed like a few weeks after the incident
13 maybe it wasn't -- it didn't affect me as much as it
14 is. I mean, it's like -- I don't know, maybe I'm
15 just -- maybe it hasn't gotten worse. It just hasn't
16 gone away, and that's basically what I -- what I mean
17 by that.

18 I would have expected it -- I expected it
19 to have gone away by now, but it has not. It doesn't
20 seem to be showing any signs of going away so...

21 Q Is this an everyday thing?

22 A Yes, sir.

23 Q Every day all day? Or does it kind of
24 come and go?

25 A I'm sorry. Yes, sir, it's a -- it's an

1 everyday, very miniscule pain until I do some
2 physical activity and then it becomes bad.

3 And I keep hoping that one day I'm going
4 to do the physical activity and it doesn't hurt quite
5 as bad but it hasn't shown any signs of -- you know,
6 basically every time I do anything strenuous or bend
7 over real deep or whatever, it starts hurting again
8 so...

9 Q Yeah. So an ordinary day working, tell
10 me how that usually goes.

11 A Normally I'm the hardest worker on my
12 crew. I'm the boss so I'm the hardest worker there.
13 And I put in -- I do more manual labor than the guys
14 that I pay to do the manual labor. I try to lead by
15 example. I try to, you know, run my crew by: This
16 is how I work so this is how you guys should work.

17 And I -- normally I work the young guys
18 half my age, and I -- and I do that from 4:00 in the
19 morning until dark, you know, and that's how I was
20 raised. And now I can work, you know, an hour or two
21 hours into it, I'm having to take a break. I'm
22 having to stop and let my guys do all the work.

23 And people have noticed. People are
24 saying: Hey, what happened to you? You know, stuff
25 like that so...

1 Q So you take a break. Does that make
2 things better?

3 A No, sir. It just -- I just have no
4 choice really.

5 Q So is your testimony you're able to put
6 in roughly two hours of -- of significant manual
7 work, and then you have to quit for the day?

8 A I'm not going to say that I can do
9 exactly two hours. It just -- you know, I'm just
10 giving you an estimate. But basically once I get
11 started working, if it -- you know, it just starts
12 hurting. So I can -- however much of that I can take
13 is how long I work.

14 I'm not going to say it's two hours of
15 work. I just work and, I mean, I do as much as I
16 can. That's what I'm going to do. I'm not trying to
17 -- I don't want it to hurt. I don't want to stop
18 working, but I have no choice so...

19 Q When you got out of the Houston County
20 Jail, you went to work -- back to work for your
21 father?

22 A No, he had -- he had recently closed the
23 company down. I did small amounts of work for him
24 still. But mostly, no, I was working for myself.

25 Q All right. Did you lose income because

1 of, you know, your back hurting?

2 A Absolutely. I lost income based on a
3 couple of reasons. One is because I had to hire an
4 extra guy to make up for the work I wasn't doing. So
5 that cost me.

6 And then the other reason is because
7 eventually I -- I had to stop working all together.
8 I mean, I couldn't -- I can't really -- I couldn't
9 afford to pay the people it would take to do the work
10 for me. I was used to doing the majority of the work
11 myself and having a helper.

12 But after this incident I had to have all
13 people working and me just doing the business side of
14 it, and I couldn't -- I couldn't -- I don't make
15 enough money to -- to justify, you know, hiring two
16 guys anymore. So the work that I wasn't able to do
17 cost me basically my -- my career. I mean, honestly.

18 Q How were you paid when you were working
19 for yourself?

20 A Mostly Cash App, Facebook payment, money
21 payment. Cash, I guess, you would say, but I have
22 record of it based on...

23 Q Let me ask a better question.

24 A Okay.

25 Q Did you pay yourself by the hour? Were

1 you paid by the job?

2 A By the job, sir.

3 Q So suppose I'm a person, and I want a
4 fence to be put up. Suppose I'm a -- I'm a
5 homeowner, and I want a fence to be put up. And I
6 call you up and I say: Hey, can you put up a fence
7 for me? You say yes, and we agree on a price.

8 Then I take it the way you would be paid
9 would be -- or your profit -- let's call it your
10 profit -- would be the amount -- total amount that
11 you're paid for the job minus how much you have to
12 pay your people and, you know, the materials and gas
13 and other expenses. Do you agree with that?

14 A You're asking me if I receive the
15 payment, and my profit would be the payment minus my
16 expenses?

17 Q Correct.

18 A Yes, sir.

19 Q And so your -- your testimony if I'm
20 understanding correctly, is that your back -- the
21 pain to your back caused you to be unable to
22 physically work as much; is that right?

23 A Say it again? I'm sorry. I didn't hear
24 your question.

25 Q Pain in your back caused you to not be

1 able to physically work as much; is that right?

2 A At first, yes. But then it became to
3 where I couldn't -- I couldn't do the work anymore.
4 I couldn't sign the jobs anymore based on the pain in
5 my back.

6 Q So you quit taking jobs?

7 A After it got to the point where I
8 couldn't afford to -- okay, you asked me about the --
9 the payment thing.

10 Well, when it gets to the point where I
11 have to hire more labor than the profit and I start
12 losing money, then I had to -- I actually was in the
13 middle of one job, a very lucrative job for me. And
14 I ended up losing the job, you know, getting fired
15 because of it because I couldn't -- I was -- I
16 couldn't finish it basically.

17 Q What job was that? I mean, who was
18 the -- who was the customer? I'll ask that.

19 A The customer's name was Ryan Myer, M-Y --
20 M-Y-E-R. He lives in Byron, Georgia.

21 I did 240 foot of French drain and three
22 concrete slabs for parking, normally a job that I
23 would have one helper. Because of my back injury, I
24 had to have two and a temporary third. And I ended
25 up not being able to complete the job. I -- I did

1 the majority of it, but I couldn't complete it
2 because it involved a lot of digging and I just
3 couldn't dig anymore so...

4 Q Did -- I think you used the word fired
5 from the job. Maybe -- maybe I made that up.

6 A No, I might have said fired, but let me
7 reiterate. It was -- no, actually I wasn't fired
8 fired. I just stopped going.

9 I still -- as it stands right now, the
10 guy's still expecting me to come back and finish, but
11 it's been a, you know, a while now. So I was hoping
12 to give him some of his money back because I felt
13 guilty about not being able to complete his job.

14 There was some maintenance involved that
15 I'm supposed to be doing afterwards, some cleaning
16 the drain and making sure it's still -- I guaranteed
17 him that I would maintain the drain after I finished
18 it. And I haven't been able to do that so I -- I was
19 kind of wanting to give him something back or, you
20 know, work out a new deal with him or something so...

21 Q When did you stop working on that job?

22 A I can't tell you the exact date, sir. It
23 was not long after maybe -- I don't want to say, sir.
24 It'd be speculation. You could contact him, and he
25 would definitely tell you.

1 Q I have that you were in the Houston
2 County Jail from May 28th of 2020 to December 30th of
3 2020. Do you agree with that?

4 A I agree that that's -- that's very close.
5 I don't know the exact dates. I mean, it's been a
6 couple years so...

7 Q Yeah. So after that, you got out of jail
8 and started working; true?

9 A Yes, sir.

10 Q And then roughly how long after you
11 started working -- let's call it the beginning of
12 '21 -- did -- did you, you know, take this job on and
13 then eventually quit working on this job?

14 A I can't say, sir, but it was definitely
15 in '21 is all I can say. You're saying that I got
16 out in the end of 2020?

17 Q That's my understanding, yes, sir.

18 A Okay. So then in 2021, that was when I
19 worked for him. Now this was a long job. I was
20 there -- I'm not going to say an exact amount of
21 time, but it was over six months or around six months
22 I was at his house so...

23 Q And you stopped working on the job in
24 2021?

25 A Like I say, you know, I can't remember

1 the exact dates. I mean, he would be willing to tell
2 you. But it was -- I started working on the job --
3 it was supposed to be like a three-month job.
4 Because of my injuries, it turned into a six-month
5 job and then I ended up not finishing it.

6 So that was sometime during that year
7 that I got out, not long after I got out. You know,
8 I'm not sure exactly how -- how long, but it was
9 after I got out so...

10 Q Did you take any other job after that?

11 A After his job? No.

12 Q So from sometime in 2021 until your
13 recent incarceration, you didn't do any kind of work;
14 is that true?

15 A Very little. Odd jobs. You know,
16 nothing like what I normally do. I normally run my
17 own business and I'm a -- you know, I do whatever
18 needs to be done. I do house fences, garage,
19 concrete, whatever.

20 After that job is when I realized: Hey,
21 you really can't do this anymore, you know. So I
22 took much smaller jobs: Cutting lawn, painting,
23 whatever I could, you know, make a little money off
24 of.

25 But I have a -- I have all records of

1 every job that I've done. So I can -- I could
2 furnish the information exactly. But as of right
3 now, I can't remember exactly what I did. I mean, it
4 was -- you know, it's -- I know that I did odd jobs
5 here and there, but I couldn't give you dates or
6 times or -- but I could produce that later because my
7 wife keeps detailed records -- or my fiancée' keeps
8 detailed records of everything that we did so...

9 Q Did your business have -- accountants
10 call them books? You know, like income and debits
11 and that kind of business?

12 A Yes, sir.

13 Q So there is a book of that sort?

14 A I'm not going to say a book, but there's
15 a record of every transaction. Not so much the
16 materials, although I did -- I think I did claim some
17 on taxes.

18 But I know that -- let me -- let me just
19 say, the majority of all the payments that I received
20 are online -- were online in some form or another.
21 So there's a physical record of them.

22 A lot of them were Facebook payments.
23 They have a payment service. A lot of them were Cash
24 App payments. And we -- we -- we -- for an unrelated
25 reason we went and -- for taxes we went and looked

1 and researched. You know, we basically have a -- oh,
2 the IRS asked me to furnish this type of information
3 that you're asking me about.

4 So we went on online and saw that: Hey,
5 we do have all the receipts and all the stuff that
6 shows what -- what I did and everything so...

7 Q You mentioned taxes. Did you file a tax
8 return for 2020?

9 A I don't want to -- I don't want to say
10 the exact year. I did file a tax return, and I --
11 and I did claim a certain amount of money. I let
12 someone else do my taxes, and I -- and I did claim a
13 certain amount of money. And I did claim and it does
14 show -- it does -- it would reflect all the jobs that
15 I said, but there was a mistake done.

16 And when whoever filed my taxes made a
17 mistake on it, the IRS said that I owed them like
18 \$35,000 or something, and I didn't. And maybe six or
19 eight months went by, and I was really distraught
20 about it.

21 But then when it was all said and done,
22 then I got another letter from the IRS saying that
23 they dismissed the charge and that -- that they
24 realized there was a mistake or whatever. I didn't
25 get any refund like I was supposed to or anything,

1 but they took away the "you owe us 35,000 thing"
2 so...

3 Q Did you file tax returns for the year
4 2020?

5 A I -- I can't say exactly what year this
6 was, but it was sometime between the time that this
7 incident occurred and now.

8 Q How about 2021? Did you file tax returns
9 for that year?

10 A I -- I filed taxes one time during --
11 between this incident and now. I don't -- I can't
12 recall which year it was.

13 And then when I had that problem about
14 them saying I owed all this money, so I never refiled
15 it or did whatever. I probably could have refiled
16 and said: Hey, you know, since I don't owe you all
17 this money, where is my return? But I was just so
18 glad to get the \$35,000 bill off me, that I was like:
19 Hey, just -- I don't need them that bad.

20 So I -- and then after that I wasn't
21 working anymore so I didn't file taxes because, you
22 know, I was doing, you know -- I mean, I was little
23 bit of jobs but nothing to really be -- I didn't
24 think it was enough to be claiming on taxes. So
25 small odd jobs and stuff here and there so...

1 Q So sometime after you were released from
2 Houston County Jail you filed tax returns for federal
3 and state; is that right?

4 A I'm -- I'm pretty sure, yes. Not
5 positive the federal. I don't know a lot about taxes
6 so I had somebody else do it so -- but I would
7 assume, yes.

8 Q Did you -- do you have copies of those?

9 A Not -- not on me.

10 Q Well, I know not on you. But, you know,
11 at your house wherever you lived, whoever has your
12 records?

13 A Possibly, possibly. There's been a lot
14 going on. I can't say for sure. I would assume that
15 the IRS would have that information, though, 'cause
16 something was filed so...

17 Q You don't think you would have copies of
18 what you filed with the IRS?

19 A I don't think so, no. Oh, I will say
20 that it was done online so it was done through a tax
21 service online. Maybe -- don't quote me but maybe
22 Turbo Tax or one of those type of tax companies. So
23 there -- I'm sure that there is a record that could
24 be found. I just don't remember who it was. And
25 somebody else filed it for me so I don't really

1 remember what exactly was done. So I don't know what
2 was done exactly.

3 Q So if you had to put a dollar figure on
4 lost income that you claim as a result of any and all
5 injuries that you say you received in this incident,
6 what's a dollar figure?

7 MS. BURTON: I'm going to object as to
8 the form of that 'cause that is generally a jury
9 question.

10 Go ahead and answer if you -- well,
11 however you want to answer that question, you can
12 answer.

13 THE WITNESS: So you're asking me --
14 first, I need a little clarification on the
15 question.

16 Are you asking me from the time that this
17 incident happened until now? And -- and are you
18 asking me only -- I mean, I was -- I was taught
19 just for background on why I'm asking this is, I
20 was taught that when you do a job, you know,
21 you -- you either lose two jobs or you gain, you
22 know, by word of mouth. A lot of my business
23 comes from word of mouth.

24 So are you asking me to -- to say how
25 much I would have made had this -- like, okay,

1 this one customer Ryan, he was like one of the
2 better customers I've ever had, and he's wanted a
3 lot more work done. He already guaranteed me work
4 for the next year or two. Now I'm not getting
5 that work because I didn't finish his job.

6 So is that a lost wage as well as, you
7 know, anything else? Or just what? You know,
8 like could you clarify a little bit what you mean
9 by how much? Do I go into depth on -- do I lose
10 the -- are you asking me about money that I would
11 have gotten from somebody he referred me to?
12 Because he -- he referred me to a job or two.

13 But then when -- at the beginning. But
14 then when -- when I didn't complete his job, now
15 he doesn't refer me at all so...

16 Q All right. I'm going to give you a
17 hypothetical that will, I think, answer what, you
18 know, I'm asking. Pretend like I have a business of
19 some sort.

20 MS. BURTON: Would you mind speaking up
21 just a little bit? I'm sorry.

22 A (No response.)

23 BY MR. WAYMIRE:

24 Q Pretend like I have a business of some
25 sort. I make widgets. All right. And I'm injured,

1 and I can't make widgets anymore for two years. My
2 business income was \$50,000. And because I wasn't
3 injured -- or because I was injured, I couldn't make
4 \$50,000 a year for two years. So my total lost
5 income from that injury would be \$100,000.

6 A Not including you're referencing other
7 jobs or promoting other jobs for me or, you know?

8 Q In the widget business...

9 A Just that this is specifically the
10 widgets?

11 Q Well, in the hypothetical widget business
12 that I can't do anymore, I lost \$50,000 a year.

13 Now, I recognize your business model is a
14 bit different because it depends on other people's
15 actions and intangible things --

16 A Yes, sir.

17 Q -- that you're not sure will happen.
18 They might happen. Sometimes they do happen. Often
19 they happen, but you don't know?

20 A Okay. So how much -- I'm sorry to cut
21 you off.

22 Q Yeah. So I'm just trying to get it to a
23 dollar figure of how much you -- money you think you
24 lost as a result of being injured in this incident in
25 the Houston County Jail.

1 A Okay. So how long -- how long of a
2 period? During how long of a period?

3 Q I'm looking for a dollar figure.

4 A I understand. But what I'm asking you
5 is, you're saying you want a dollar figure on how
6 much I lost. But during how much time? What --
7 what's the time frame of -- I lost during what time
8 frame?

9 Q Well...

10 A From then until now?

11 Q Your -- the -- the incident, I believe,
12 was June 30th of 2020?

13 A Which would be approximately three years?

14 Q Well, you were in jail until the end of
15 that year.

16 A Okay.

17 Q You couldn't have worked in jail?

18 A Right.

19 Q I don't know if you'd been in jail
20 between then and now for very long.

21 A No.

22 Q But obviously you'd have to -- the time
23 that you were in jail, you don't get lost income for
24 that.

25 A Right.

1 Q So...

2 A No, I mean from the -- from the -- you're
3 asking me -- I just don't know exactly how long it's
4 been so it's hard for me to judge how much to tell
5 you because I don't know. Give me a time amount, and
6 I'll tell you how much I lost during that time.

7 Q Well, you -- I understand that you got
8 out of jail from December 30th, 2020. So the next
9 day in theory you could start working. And then
10 you're in jail now. I don't know exactly when that
11 happened.

12 A Less than a month.

13 Q So between your release from Houston
14 County Jail and your re-incarceration at Bibb County
15 Jail here.

16 A Which is how much time, is what I'm
17 asking.

18 MS. BURTON: Do you want me to pull up
19 the calendar?

20 THE WITNESS: I just am fuzzy on exactly
21 the dates that I...

22 BY MR. WAYMIRE:

23 Q Well, let's call it...

24 MS. BURTON: What was his release date?

25 MR. WAYMIRE: I have December 30th of

1 2020.

2 MS. BURTON: Okay.

3 THE WITNESS: I'm just trying to answer
4 your question as honestly without -- you know, I
5 don't want to leave anything on accident.

6 MS. BURTON: Do you mind if I ask him a
7 question?

8 MR. WAYMIRE: Go ahead.

9 EXAMINATION

10 BY MS. BURTON:

11 Q Do you recall when you were incarcerated,
12 when you got arrested for here?

13 A Three weeks ago.

14 Q Three weeks ago. Okay. So it would be
15 one full year plus approximately 2 1/2 months?

16 A One year or two years?

17 Q No, I'd say...

18 MR. WAYMIRE: It'd be two years.

19 A (No response.)

20 Q I'd say two months. One year -- sorry,
21 two years...

22 A Two years and two months.

23 FURTHER EXAMINATION

24 BY MR. WAYMIRE:

25 Q Let's call it two years and two

1 months for --

2 MS. BURTON: Say two years.

3 A (No response.)

4 BY MR. WAYMIRE:

5 Q -- for purposes of the question, give or
6 take. I know there's some change in there but...

7 A About \$170,000.

8 Q Explain how you got that figure.

9 A Well, it's not any -- well, honestly,
10 this is -- it's not a -- it's not a -- it's not a
11 stretch. By any stretch of the imagination, it's not
12 a stretch for me to make close to 2,000 a week.

13 So you said two years, but I subtracted a
14 little because I didn't want to sound, you know, like
15 I was, you know, I don't know. There's times when it
16 rains, and that would take a little bit off. There's
17 times when I, you know, I -- I was never in between a
18 job. I mean, I was doing well and the word of mouth
19 was there and people were constantly signing
20 businesses.

21 I was looking to expand. I was looking
22 to start putting some guys on the jobs and me doing
23 more selling the jobs and doing the business side of
24 it and less physical. And so I was starting to make
25 more and more money. On this last job I was on, I

1 made really over 2,000 a week.

2 So I just was trying to give you a fair
3 estimate, sir, without, you know -- you know,
4 inflating it any, you know. I really would say
5 100,000 a year, but you know that's not possible
6 because I'm going to take a little bit of time off.
7 I'm going to -- you know, there's going to be rain
8 days. There's going to be different things like that
9 so...

10 Q Yeah. And when you give the
11 \$2,000-a-week figure, does that mean 2,000 gross
12 without taking out expenses? Or are we talking
13 about --

14 A That's after expenses.

15 Q -- that's how much you clear?

16 A Yes, sir.

17 Q That's how much you clear?

18 A Pretty much, yes, sir.

19 Q That's profit?

20 A Yes, sir. Well, yes, sir. Profit, yeah.

21 Q And do you have documentation to back
22 this up?

23 A Yes, sir.

24 Q Have you given that to your attorney?

25 A Not yet. Not yet, no. As far as I know,

1 I haven't been asked.

2 MS. BURTON: If he has it, I will request
3 it.

4 BY MR. WAYMIRE:

5 Q All right. You told me about your head
6 hurt for about six days or so. Am I getting that
7 right?

8 A I mean, don't nail me down on exactly six
9 days. But, yeah, I mean, it was -- I thought it was
10 a little more than that maybe, but I don't know. I
11 mean, it hurt. It hurt well into the next week for
12 sure.

13 Q I want -- I want to know the parts of
14 your body that were hurt. Okay? So I'm listing your
15 head as one. I'm listing your back as another 'cause
16 that's what you told me so far.

17 A Yes, sir.

18 Q Was any other part of your body hurt in
19 this incident with the...

20 A In this specific incident?

21 Q Yes, sir.

22 A It was my foot, my elbow, my neck, my
23 back and my head.

24 Q All right. So just to be clear about the
25 incident, this is the incident where the two officers

1 came in. There was a lockdown dispute, and you were
2 rendered unconscious; is that right?

3 A Yes, sir.

4 Q That's the one we're talking about?

5 A Yes, sir.

6 Q All right. So foot, elbow, neck, back
7 and head. You've told me about your back, and you've
8 told me about your head; correct?

9 A Yes, sir.

10 Q Actually, let me get a little more detail
11 about your head. Did you have any kind of visible
12 injury to your head?

13 A Blood and cut.

14 Q Tell me where the cut was.

15 A It's a little hazy, sir, because it was
16 pretty -- you know, I got hit pretty hard. But I do
17 know that I had -- oh, my mouth was bleeding as well
18 or blood came out of my mouth. I don't know exactly
19 where it was coming from. I think that my lip was
20 busted.

21 I had -- definitely had blood, a -- a --
22 a -- what do you -- a laceration on my head, on the
23 back of my head. The -- that's -- that's what you
24 asked me so...

25 Q Was that in the hair so that it'd be hard

1 to see if anybody looked at it?

2 A I'm pretty sure they took pictures of it
3 and documented it so...

4 Q And did you see any of those pictures?

5 A No, sir.

6 Q If you had to estimate how big that
7 laceration was...

8 A It was on the back of my head, sir. So I
9 know that it was there, and other people could see
10 it.

11 Q Did you ever feel it?

12 A It felt like, you know, a bunch of crusty
13 blood back there. I mean, I -- I basically stayed
14 asleep, I mean, for a day or two after this incident
15 happened.

16 So, you know, but I could feel it, yeah.
17 There was crusted blood back there. People told me
18 they could see it, but I really couldn't say how big
19 it is because it's behind me and there's no mirrors
20 there so...

21 Q Was there any kind of treatment for that
22 wound?

23 A Pills and a -- there was pills. There
24 was -- I believe, they gave me some type of
25 antibiotic ointment or something. There -- basically

1 I think that's it as far as -- oh, they did -- they
2 did come in. They put me on observation for a
3 concussion or whatever.

4 And like I remember this. Like every
5 four hours for like two or three days they came in
6 there, woke me up and -- and did stuff to me to try
7 to see if I had any type of brain trauma or stuff
8 like that. Shine a light in my eyes, different
9 things of that nature.

10 Q Did anybody tell you they thought you had
11 brain trauma?

12 A I don't recall, sir. I know they sent me
13 to the hospital nine days later as in reference to
14 that. But the doctor at the hospital said that it
15 had been way too long; that they should already had
16 me there and stuff so...

17 Q The cut or laceration on the back of your
18 head, how long did it take for that to heal?

19 A I really don't know, sir. I can't really
20 give you an honest time. I mean, it was however long
21 a cut take me. A week or two. I don't -- but I
22 don't want to say for sure exactly because, I mean, I
23 really wasn't -- you know, like I say, it's on the
24 back of my head so I really couldn't pay much of
25 attention to it.

1 Q The ordinary time frame for cuts and
2 bruises; right?

3 A Yeah, I would say so, yes, sir.

4 Q And how about whatever was going on with
5 your -- your mouth or your lip?

6 A It was an ordinary busted mouth. I mean,
7 I had blood all over me from it, but it didn't -- if
8 you're asking me did it take longer than a normal
9 mouth cut? I mean, it was basically a normal hit in
10 the mouth thing, you know.

11 Q So...

12 A I don't know for a fact that -- if you
13 don't mind me adding something, I don't know for a
14 fact that all the blood came from the cut in my
15 mouth. I mean, there was a lot of blood, and the cut
16 didn't seem that bad. So I don't know that that's
17 where all the blood came from. I just know that it
18 came out of my mouth.

19 Q Did you ever look at the cut around your
20 mouth?

21 A It was in my mouth. You know, I could
22 feel it with my tongue, but I couldn't see it.

23 Q Was that -- what's your belief about how
24 physically you got that?

25 A I have no idea. Oh, what's my belief?

1 Q Yeah, because...

2 MS. BURTON: I'm going to object to -- as
3 to form 'cause it's calling for speculation. But
4 answer the question.

5 THE WITNESS: I don't mind telling him.

6 MS. BURTON: Answer the question.

7 THE WITNESS: The -- I believe that they
8 roughed me up further when I was in the hallway.
9 I mean...

10 BY MR. WAYMIRE:

11 Q So you think that the -- the wound in
12 your mouth was from the hallway rather than the
13 initial incident?

14 MS. BURTON: Same objection.

15 THE WITNESS: Well, from -- same? Okay.
16 From what I understand from gathering information
17 from the people that witnessed it because I was
18 knocked unconscious so I only know the beginning
19 part and the end part, but from what I understand
20 from what I gathered from other people that were
21 there that witnessed it, I was slammed on my head
22 and back. So I don't understand how my mouth got
23 cut, you know.

24 So the only thing I could speculate was
25 -- and then that coupled with the fact that when I

1 woke up in the hallway, they were roughing me up.
2 So I'm assuming that that mouth injury came from
3 what they were doing to me in the hallway.

4 That being said, I -- I -- did -- did
5 they hit me in the mouth or anything in the
6 hallway? Not that I know of, but I woke up during
7 it. So who knows? And if you ask me to
8 speculate, they beat me up in the hallway when I
9 was unconscious, you know, so...

10 BY MR. WAYMIRE:

11 Q Do you have any sense for how large this
12 cut in your mouth was?

13 A It wasn't that big, sir. It was maybe a
14 quarter of an inch or less.

15 Q And how deep?

16 A I could stick my tongue in it. Like I
17 say, I couldn't really see it 'cause it was down low.
18 But I could stick the tip of my tongue in it a little
19 bit, but --

20 Q Okay.

21 A -- it wasn't -- it wasn't a -- it wasn't
22 a very big cut, no. I mean, it's like I say a
23 quarter inch or less long. I could stick the tip of
24 my tongue in it.

25 Q All right. Tell me about your foot.

1 What was wrong with your foot?

2 A It just felt like I got a twisted ankle.
3 That I do remember. They were dragging me by it so
4 I'm pretty sure that that's what caused that.

5 I had a bruise on my -- you know, it
6 turned a little dark -- darkish color on my ankle
7 area.

8 Q Which ankle?

9 A My right one.

10 Q And your elbow? What happened with your
11 elbow?

12 A My elbow was just banged up. Now, that
13 being said, there was a previous incident involving
14 Coach where she pulled a mattress out from under me
15 and flipped me over and my elbow hit the -- hit the
16 metal bunk. And that was documented. They took
17 pictures of it. I wrote a grievance on it. And so
18 they have pictures of it.

19 The elbow seemed to be more damaged. You
20 know, like it was more bruised, like it had been like
21 two days or something from the time that Coach did
22 that to the time that I was in Medical. But my elbow
23 was hurting. Like I could tell that it was more than
24 just what was already -- had already occurred so...

25 Q So you're saying there was a preexisting

1 injury, and then it was reinjured?

2 A It was a preexisting injury two days
3 prior from -- from the same deputy, from one of the
4 deputies.

5 And then when I woke up in Medical the
6 day -- you know, like the next day, all the bruises
7 and bangs that I could feel, it was amongst them.
8 I'm assuming -- you asked for speculation. I'm
9 assuming I hit the floor somehow or, you know,
10 whatever during the incident. I don't know but my
11 elbow hurt, you know, so...

12 Q After -- after the incident in the dorm
13 where you hit your head and so forth, was there a
14 visible injury to your elbow? Visible?

15 A I can't remember. I -- I did -- I was
16 asked by the doctor to hold my elbow up to the
17 laptop, and I -- obviously that's because I told them
18 that my elbow was hurting. But, I mean, honestly, I
19 was like: Hey, you're talking about my elbow. I
20 mean, I can't -- I got a headache and my back is
21 killing me and you're asking me to hold my elbow up
22 to the camera.

23 You know, so I just -- it was the least
24 of my problems honestly so I just really didn't put a
25 lot of thought or -- you know, that was just a normal

1 every -- everyday banged up elbow. It wasn't
2 anything, you know, like I'm not going to sit here
3 and say that was a, you know, debilitating [sic]
4 injury because it was just a bruise and bang, you
5 know, from -- from the altercation so...

6 Q And tell me about your neck. What was
7 wrong with your neck?

8 A It hurt. Whiplash-type hurting. I
9 couldn't turn it. That was actually pretty bad at
10 first. They gave me a neck brace or whatever. I
11 couldn't turn it side to side so they put the brace
12 on me. And I had to wear that for a while and hurt
13 pretty bad. It went away eventually but -- about
14 four days, I guess.

15 Q So that went away in four days?

16 A Yes, sir.

17 Q And was that -- all right, so I've --
18 I've woken up, for example, before with a kind of
19 what I call crick in my neck. It hurts to, you know,
20 move it one way or another. And so I got to hold my
21 head in -- in one position, and then it doesn't hurt.
22 Is that kind of the way? Is that what we're talking
23 about?

24 A Yes, sir. Basically I had to -- I mean,
25 you say that like -- are you asking me if it -- if

1 it's because I slept on it wrong or...

2 Q No, no, no. I'm not trying to say that
3 at all.

4 A Okay.

5 Q I'm just trying to compare it to
6 something that I understand so that I -- I know what
7 kind of injury we're talking about, how you felt.

8 A Well, let me -- let me tell you exactly
9 the problem. When I would read a book, and I
10 normally read like this, you know, laying on my back,
11 it was excruciating pain. So they gave me a neck
12 brace. And if I turned it to the sides, it would
13 hurt.

14 Q If you didn't move your neck to the side
15 or...

16 A Kept it straight perfectly normal like I
17 was walking, it was okay.

18 Q Felt okay?

19 A Yes, sir.

20 Q And then all those problems went away
21 after about four days?

22 A Yes, sir.

23 Q Okay. And you described your back and
24 how that felt and your ongoing problems; correct?

25 A Yes, sir.

1 Q Would you add anything to your
2 description? I mean, is there anything else that you
3 would tell the jury, for example, about how your back
4 is hurting?

5 A My back was -- I mean, in my opinion --
6 now I'm not a doctor or a specialist by no means. In
7 my opinion, I -- I received an injury from this. My
8 back's hurt from this. And, also, a banged up
9 injury.

10 So, you know, like what I'm trying to say
11 is, I feel like my back was originally hurting
12 because of the slammed on the ground. You know, that
13 hurts. An immediate hurting and the next day or two
14 I'm sore because I've been slammed on the ground.

15 Then, now, I feel like there's some type
16 of injury there longstanding because, like I say,
17 it's been however many years now and I'm -- and I'm
18 sitting here in pain right now so...

19 Q Okay. So your testimony is that before
20 this incident you had zero problems with your back
21 ever?

22 A Yes, sir.

23 Q After this incident, your back started
24 hurting. Was there any other incident that caused
25 some kind of harm to your back?

1 Let me give you an example. My back
2 might already be hurting, but then I get in a car
3 wreck. And now it hurts more or hurts in a different
4 place or something of that nature. Okay? So that's
5 the kind of thing I'm asking you about.

6 After this incident, was there anything
7 else that caused harm or pain to your back?

8 A Absolutely not, sir, no.

9 Q Okay.

10 MS. BURTON: You've been going for about
11 an hour, maybe a little bit more. Is it time to
12 take a break?

13 MR. WAYMIRE: That's okay with me.

14 MS. BURTON: Do you need me to get a
15 deputy to take you for a restroom break or
16 anything?

17 THE WITNESS: I'm okay.

18 MR. WAYMIRE: Off video at 2:20.

19 (Brief recess.)

20 MR. WAYMIRE: Back on video at 2:26 p.m.

21 BY MR. WAYMIRE:

22 Q All right. Mr. Sindell, we took a break.
23 You understand you're still understand oath?

24 A Yes, sir.

25 Q All right. We were talking about parts

1 of your body that were injured in this incident. And
2 you told me about your foot, your elbow, your neck,
3 your back and your head. You told me that your head
4 hurt for, give or take, six days?

5 A Yes, sir.

6 Q Did it keep hurting after that?

7 A No, sir.

8 Q So everything that was wrong with your
9 head so far as headache and so forth was gone after
10 six days?

11 A Give or take, yes, sir, approximately.
12 Could have been a little more. I don't know.

13 Q Neck pain went away after about four
14 days; correct?

15 A Yes, sir.

16 Q Your elbow, I take it, had bruising; is
17 that right?

18 A Yes, sir.

19 Q And that went way in the normal time
20 frame that bruises go away?

21 A I would say, yes, sir.

22 Q Your foot, you felt like you had a
23 twisted ankle and some type of bruising. How long
24 did that take to go away, to heal?

25 A Honestly, I really can't give you an

1 exact time. I would say that that went away in a
2 normal amount of time that it takes for that to go
3 away. Like I say, I had bigger problems so I didn't
4 really pay attention to that.

5 Q Okay. So far as your ankle being
6 injured, was it that you couldn't walk on it or you
7 had to limp or something along those lines? Or was
8 it just kind of nagging pain?

9 A It was aching, nagging. I normally sit
10 in an Indian-style fashion a lot. And in doing that,
11 caused it to hurt, you know, when normally it doesn't
12 hurt when I sit like that so...

13 Q Okay. After you got out of the Houston
14 County Jail in December of 2020, did you go to any
15 kind of medical provider for anything?

16 A After -- after this incident?

17 Q Well, after you got out of jail, which
18 was December of 2020?

19 A I don't think so, no, sir.

20 Q So zero checkups?

21 A I mean, I had the medication they gave me
22 so -- and they gave me like two, maybe three months
23 worth. I tried to -- I tried to go somewhere.

24 I mean, at first I wanted it to go away
25 and I wanted it to not to be there and I tried to

1 ignore the -- the issue. But when it started causing
2 me problems, then I wanted to get something done
3 about it, but I can't afford it.

4 I mean, I tried to find somebody that
5 would -- that would see me on some type of sliding
6 scale or something cheaper. But I really was having
7 trouble finding anybody that would treat me for free,
8 you know, so...

9 Q All right. So let's talk about -- well,
10 first of all, I think you got to the Houston County
11 Jail in May of 2020?

12 A Approximately maybe. I'm not sure.

13 Q End -- end of May we'll call it?

14 A You'd have to -- I mean, the -- the
15 documentation is there, sir. I can't remember.

16 Q Yeah. So what were you charged with?

17 A For -- you're talking about the time that
18 this incident occurred while I was there?

19 Q Why -- why were you in jail, yeah?

20 A I was in jail for possession of a firearm
21 by a convicted felon and possession of some type of
22 scheduled drug. I'm not sure exactly which one.

23 Q What happened with those charges?

24 A I'm on bond for them. A person that did
25 the crime that -- that is guilty of the crime

1 confessed, wrote notarized written statements saying
2 that they did the crime and that I had no knowledge
3 of it. Turned those statements in, and we're waiting
4 on them to drop the charges as we speak.

5 Q So the charges are still pending?

6 A Yes, sir.

7 Q All right. Had you been in the Houston
8 County Jail before this particular incarceration?

9 A Yes, sir.

10 Q How many times?

11 A I can't really say, sir. A few. More
12 than two probably. I can't really pin it down. It's
13 been -- I've been there -- I lived there a long time
14 so...

15 Q If you had to estimate, if you had to put
16 all of them together so far as jail time in Houston
17 County Jail before you came this last time, how long
18 are we talking about? Months? Years?

19 A You're speaking of how much time I have
20 served in that jail?

21 Q Yeah, before May of 2020.

22 A I would say maybe two years.

23 Q So is it...

24 A All total would be.

25 Q I understand. Putting them all together.

1 And the -- the procedures were roughly
2 the same throughout that time?

3 A Yes, sir.

4 Q So it is accurate to say that by May of
5 2020, you knew the drill so far as how inmates are
6 supposed to act and how --

7 A Yes, sir.

8 Q -- how this jail is run?

9 A Yes, sir, exactly.

10 MS. BURTON: Make sure that you wait for
11 him to --

12 THE WITNESS: I'm sorry.

13 MS. BURTON: -- finish the question
14 before you answer.

15 BY MR. WAYMIRE:

16 Q Before this incident or before you got to
17 the jail in May of 2020, had you ever met Officer
18 Coach?

19 A No, sir.

20 Q How about Cleckner, C-L-E-C-K-N-E-R?

21 A Yes, sir. He was an officer there on a
22 prior, yeah.

23 Q All right. And how about Bouerger,
24 B-O-U-E-R-G-E-R?

25 A I had met him before in jail as his

1 capacity as an officer and me being incarcerated.

2 Q Okay. So for Cleckner and Bouerger,
3 you'd met them before. You knew who they were?

4 A Yes, sir.

5 Q Had you had any kind of incident with
6 them that, you know, something went sideways? There
7 was a problem?

8 A No, actually they were actually kind of
9 better towards me than -- than I would have expected.
10 They were like kind of nice to me before.

11 Q So no prior conflict?

12 A No, sir.

13 Q Did either of those fellas have some kind
14 of reputation that you are aware of?

15 A Yes, sir.

16 Q Tell me about that.

17 A I didn't know that -- that Officer
18 Cleckner's name was Cleckner. I was familiar to him
19 as Officer Brock. That's what everybody in the jail
20 calls him, including the staff.

21 And they pattern that from Brock. By
22 saying Brock, they mean they're comparing him to
23 Brock Lesnar, which is a professional wrestler.

24 Q So -- so his reputation was what?

25 A So when they -- when -- I mean, he's got

1 a reputation of being a -- a -- excuse my language --
2 bad ass, and he beats up inmates repeatedly. And
3 there's rumors of him using steroids and training all
4 the other guards and giving them steroids.

5 I mean, that's the speculation in the
6 jail. That's not something I've seen with my own
7 eyes. But that's the thing when a -- when a staff
8 member says -- they call his name like in the hallway
9 or something, they say: Hey, Brock. They don't say
10 Deputy Cleckner.

11 I didn't realize his name was Cleckler
12 [sic] -- Cleckner until much, much later after this
13 incident happened because I knew him as Brock.
14 That's -- that's his name in the jail.

15 Q So if people called me Brock and I had a
16 reputation as kind of a wrestler type or somebody
17 who's physically capable, right, that could mean a
18 number of things. It could mean I'm just good at
19 wrestling. It could mean I'm strong. It could mean
20 I'm abusive and anything in between. So...

21 MS. BURTON: I'm going to object as to
22 form.

23 MR. WAYMIRE: I haven't asked a question
24 yet.

25 MS. BURTON: I know.

1 A (No response.)

2 BY MR. WAYMIRE:

3 Q So tell me -- tell me what you think it
4 meant.

5 A All of those, all of the above.

6 Q Okay. Are -- did you ever see with your
7 own eyes any kind of incident where Mr. Cleckner --
8 Officer Cleckner was involved with some other inmate
9 in a physical altercation?

10 A Many, many times, sir.

11 Q How many are we talking about?

12 A Well, basically when they have an
13 altercation -- you know, when they -- when they need
14 to -- to -- you know, they call for: Hey, we need
15 some physical assistance, basically they call -- I
16 forgot the exact -- I think it's a 10, 1010, 1073,
17 like a fight or a -- you know, where they know it's
18 we need some -- some beef, you know, he's the first
19 one to come flying in.

20 You know, I don't know if that's by
21 choice or that's what they choose, but every time
22 there's an altercation in the dorm, which in jail
23 that happens quite often, he's the one that comes
24 running in, you know, so...

25 Q Yes. So, for example, two inmates are

1 fighting. They need officers to come break them up?

2 A Right. He somehow makes his way to the
3 front of the pack as far as officers arriving on the
4 scene. He's the first one every time. So, in my
5 opinion, it's 'cause he likes it. I mean, you know.

6 Q Is there any incident where you actually
7 witnessed Officer Cleckner in a physical altercation
8 with an inmate where you believe he used -- he was
9 out of line? He used too much force for the
10 situation?

11 A About 50/50, honestly. There's times
12 when force is -- is -- is -- I mean, I'm not going to
13 sit here and say that, you know, the inmate
14 population doesn't deserve anything. You know, I
15 mean, there's -- there's times when force was
16 necessary, yes.

17 Did he overdo it? Most of the time,
18 yeah, he did. But and he's known for that. Like I
19 say, in the jail, was there times when I think the
20 right amount of force was used? Yes. I'm not going
21 to sit here and say that he -- every time he came in
22 there overbearing. No, there was times.

23 And there -- and I will even go so far as
24 to say that there were times when he didn't use as
25 much force as maybe he probably could have got away

1 with using. But, yes, I have seen times where he was
2 definitely way more aggressive than he needed to be.
3 And I'm sure from what I understand, that that's been
4 well-documented so...

5 Q So let's -- let's exclude your incident.
6 I know you have opinions about your incident.

7 A Yes, sir.

8 Q And I take it that before your incident
9 with Bouerger and Cleckner, there was no prior
10 incident where any force was used on you by anyone?

11 A They were -- they were -- okay, Cleckner,
12 you know, he joked around, played around. He's
13 always physically like push you up against the wall,
14 but he's -- but he's laughing, you know. And I laugh
15 about it. No big deal or whatever, you know.

16 But -- but the other guy Bouerger, I was
17 his -- what they would call trustee or whatever.
18 Like when he worked our dormitory before he was one
19 of the guys that -- that respond to altercations, he
20 worked in the dorm, you know, and he -- and he chose
21 me to be the guy to sweep up and pass the trays out.

22 So we actually had the opposite. We
23 actually had a very good relationship as far as
24 inmates and officers go.

25 Cleckner, he -- he was nice to me, but

1 there was never any, you know, over -- you know, like
2 it was -- it was just a normal inmate-officer
3 relationship. Like there's nothing that sticks out,
4 you know, so...

5 Q Okay. So let's pick out top three
6 incidents where you believe -- where you actually saw
7 an incident where Cleckner used some kind of force on
8 one or more inmates that you believe was unjustified,
9 more than the amount of force that -- that was
10 necessary.

11 A I didn't say it was just three, sir. Oh,
12 I'm sorry.

13 MS. BURTON: Let him finish the question.
14 BY MR. WAYMIRE:

15 Q I know. I'm asking -- you're telling me
16 there are a number of them?

17 A Yes, sir.

18 Q And I don't know how many there are. I
19 mean, you seem to be suggesting dozens.

20 A I'm not suggesting dozens. But a dozen
21 wouldn't be an outlandish figure, no.

22 Q A dozen total that you've seen?

23 A That I've seen personally? No, I'm not
24 saying that's how many he's been involved in. But I
25 would say I've seen him physically interact with the

1 inmates probably an estimate of 10 times.

2 Q Ten times.

3 And you -- you said earlier in response
4 to a question, you said 50/50, which told me -- you
5 tell me if I'm right -- told me that half the time
6 you feel like it was justified. You don't see a
7 problem. Half the time you felt like it was too
8 much. Is that what you meant?

9 A Let me -- let me clarify by saying that
10 there was times when I felt like force was justified.
11 There was times when I felt like he used force when
12 it shouldn't have been used.

13 I'm not really qualified to -- to know
14 exactly when force is justified and when it's not.
15 But, in my opinion, I mean, there was several times
16 that I saw him do stuff he didn't -- that there was
17 no need for. And then there was other times when I
18 expected him to -- to do stuff.

19 Honestly, I mean, he -- he's the guy that
20 kind of gets in a little bit of a rage at times, and
21 I kind of think that sometimes for whatever reason he
22 just wasn't that mad and it wasn't a big deal. But
23 there's definitely times that he overreacted, and
24 that would be very obvious to anybody looking.

25 And he's -- that being said, talk amongst

1 the guys and everything, he's been written up,
2 grievances and been complained on multiple times for
3 excessive force. And I'm pretty sure that -- I mean,
4 the officers told me so I can't say for a fact. But
5 I'm pretty sure that he's been disciplined for it
6 before by the Houston County Jail so...

7 Q All right. Well, my question is or was,
8 you said 50/50, which means to me that half the time
9 that you saw something that Cleckner did using force,
10 you didn't have a problem. You didn't think it was
11 inappropriate.

12 On the other hand, half the time you felt
13 like: Oh, that's too much? Excessive?
14 Unreasonable? Is that what you meant when you said
15 50/50?

16 A Not exactly half and half. But, yes,
17 sir, I agree with what you're saying.

18 Q Got it. So you physically saw roughly 10
19 of these incidents?

20 A Yes, sir.

21 Q So in roughly five of those incidents you
22 think that something was overdone? Inappropriate?

23 A Maybe four. I'll give you -- I'll give
24 you four maybe.

25 Q Talk to me about those four.

1 A Okay.

2 Q Just give me a thumbnail sketch one by
3 one.

4 A You're talking about describe the
5 incidents?

6 Q Yes, sir. Give me the -- give me the
7 setting? How many inmates we're talking about? What
8 happened?

9 A Well, there was an incident where it was
10 he asked an inmates -- inmates in the hallway --
11 sometimes when you're traveling from one part of the
12 jail to another, a lot of times he's the officer that
13 escorts you, walks you down the hallway or -- or
14 whatever.

15 Oh, I'm sorry. And my back is kind of --
16 so he's an officer a lot of times that escorts you
17 since he's already in the hallway prepared for a
18 response, a lot of times when you get called to court
19 or to see your lawyer or something of that nature,
20 he's the one that -- that escorts you down the
21 hallway.

22 And a lot of times that when you come out
23 of your dormitory, they want to do a physical patdown
24 to ensure that you don't have any weapons or anything
25 that you're not supposed to be taking out of the

1 dormitory.

2 So one time that I'm referring to, I saw
3 him when he went to -- when he was patting the guys
4 down, you know, doing a physical frisk pat search, he
5 -- the guy made a comment about him being homosexual.
6 You know: Hey, you know, you didn't have -- like,
7 you know, during the course of -- and I didn't see
8 the actual frisk but during 'cause I'm against the
9 wall, too.

10 But during the course of him patting him
11 down, an inmate made reference to, you know: What
12 are you? A homo? 'Cause you just grabbed my, you
13 know, you know what. And Cleckner shoved him into
14 the wall, you know. While he had his hands on the
15 wall, he pushed him and made his head hit the -- hit
16 the wall. That's one of the incidents.

17 Q Who was the inmate?

18 A I couldn't tell you, sir. It was a -- it
19 was a black inmate, but it's been a long time ago and
20 I don't -- I never knew him to begin with so...

21 Q Was the inmate injured?

22 A To my knowledge, no. I mean, but as far
23 as injured, you mean did he have to go to Medical?
24 No. But, I mean, he got his head slammed against the
25 wall. So I don't know if you consider that injured

1 or not but...

2 Q Was there some kind of blood any place?

3 A No, sir.

4 Q Was there any kind of cut?

5 A No, sir.

6 Q Was Cleckner the only officer there?

7 A Yes, sir.

8 Q How many inmates were there?

9 A Five, six approximately. You know, like
10 a little group. I can't say exactly the amount
11 but...

12 Q One shove and it was over; is that right?

13 A Yeah, he made a little comment. Cleckner
14 didn't like it. Bam, you know, against with the
15 wall. The guy said something and he said: You know,
16 don't come to jail, something like that. Or don't
17 call me a fag. I think that's his exact -- his exact
18 words were: Don't call me a fag or something.

19 Q All right. Incident No. 2. Tell me
20 about that.

21 A When you're saying No. 2, you mean just
22 another incident that I recall?

23 Q Yeah, you told me there were roughly four
24 that you remember where Officer Cleckner used some
25 kind of force that you felt was out of line; right?

1 You told me about one of them.

2 A Yes, sir.

3 Q Tell me about the next one.

4 A I really -- I mean, I -- I feel
5 uncomfortable getting into the specifics of these --
6 of these things because, you know, I didn't pay them
7 much attention at the time. So I didn't really, you
8 know, focus on them.

9 I mean, this is like a -- this is an
10 occurrence that's unfortunately not -- not -- not as
11 rare as you -- as I'd like to think in -- in -- in --
12 in this environment, you know. I mean, people --
13 people mouth off to the guards, and guards rough them
14 up. I mean, that's something that happens sometimes.

15 And kind of tried to not pay attention to
16 it. 'Cause if it's not me, I kind of try to stay out
17 of it. You know, I don't want to be involved. I
18 don't want to be a witness to anything like that
19 because, you know, for obvious reasons.

20 Q Well, you're telling me that you were a
21 witness, and you're telling me that there were these
22 incidents where you think that Cleckner used too much
23 force. I'm not asking you to guess or speculate or
24 make something up. I'm just asking you to tell us
25 what you really remember.

1 A Okay. So...

2 Q If you really don't remember anything,
3 then tell us that.

4 A All right. So there was -- it was
5 another incident where there was two inmates
6 fighting, and I can't remember the dorm I was in.
7 But Cleckner came in and grabbed one of the guys
8 around the neck and -- and then put him in a choke
9 hold like, and he pulled him back away from the other
10 guy.

11 But he, in my opinion, choked him way,
12 way longer than -- than what the guy need -- you
13 know, he pulled him back. They were separated. The
14 other officers had the other inmate. But, yet, he
15 kept choking him for a long period of time, way
16 longer than I would think that you needed to do that.
17 You know what I mean? Like it looked way excessive
18 to me but...

19 Q Do you know the inmate's name?

20 A No, sir.

21 Q Black? White?

22 A Black.

23 Q Did that inmate lose consciousness?

24 A No, sir.

25 Q If I made a distinction between an airway

1 choke and a blood choke, do you know what I mean?

2 A No, sir.

3 Q Do you have information about whether the
4 inmate's air, ability to breathe, was cut off or
5 restricted?

6 A I don't understand your question, sir.

7 Q All right. A choke, some kind of
8 pressure around somebody's neck, may be applied to
9 the windpipe which might restrict breathing?

10 A Can I just tell you exactly how he choked
11 him, and then that would...

12 Q Sure, yeah.

13 A He came up behind him and wrapped his arm
14 around him, you know, in, you know, like a
15 headlock-type thing and pulled him backwards. And
16 the guy -- and kind of bent him, you know, to where
17 his body was bent backwards like and he was -- had
18 him around the neck.

19 Yes, I would -- if you're asking me did
20 the guy have trouble breathing? Absolutely. I mean,
21 I mean, he was -- he was black, but he was turning
22 colors basically so...

23 Q What makes you think that he was having a
24 hard time breathing --

25 A Because he was turning colors. He was a

1 lighter skinned black guy, and he turned really dark
2 looking.

3 Q Was he able to talk?

4 A I was on the top floor, and they were
5 downstairs so it was farther -- farther away than I
6 could -- and then there was a whole bunch of officers
7 and a whole bunch of commotion so I just -- and I
8 remember a lot of inmates saying: Wow, he choked,
9 you know, the -- the you know what out of that guy,
10 you know, and -- and that kind of thing.

11 Q How long was this choke applied?

12 A Probably realistically, I mean, it seems
13 longer than, I'd say, 30 seconds.

14 Q Was the inmate still struggling?

15 A No, not at all.

16 Q So after 30 seconds, he's -- the inmate's
17 turned loose?

18 A Yes, sir.

19 Q Any other forced used by Cleckner in that
20 incident?

21 A When you say turned loose, I mean, the
22 choke hold was turned loose. He wasn't turned loose
23 completely. I meant that he let the choke go, and
24 they cuffed him up and everything. But he wasn't
25 like released. He was just -- the hold was shifted

1 basically.

2 Q Fair enough.

3 A Okay.

4 Q Did Cleckner use any more force in that
5 incident?

6 A He had him by the cuffs, and he was
7 pulling the cuffs upward. You know, the guy was
8 cuffed behind his back. He was lifting the cuffs up
9 real, real high like obviously injuring -- you know,
10 hurting the guy, you know, while he was dragging him
11 out of the dormitory. Like there's absolutely no --
12 no need for that.

13 That's something that officers -- some
14 officers, let me say, do apparently, you know, to try
15 to -- I don't know why people do stuff like that to
16 people. But some of the officers are guilty of that,
17 of lifting your handcuffs to where it hurts you
18 really bad so...

19 Q You said dragging out of the dormitory.
20 Was this off -- was this inmate walking with his feet
21 out of the dormitory?

22 A Not really. Cleckner has a habit of kind
23 of -- he's really, really big. He's a body builder
24 and he's -- he's huge, you know. So he's
25 basically -- the guy's feet were -- yes, they were

1 touching the ground, but I don't know how much of his
2 own walking he was doing.

3 But Cleckner had him by the cuffs in one
4 hand and squeezing the back of his neck with the
5 other hand and kind of half carrying him, half
6 walking him out of the dormitory, which is what he
7 does on lots of incidents, you know, so...

8 Q Okay. All right. Incident No. 3? What
9 do you remember about that?

10 A I'm just going to -- I'm just going to --
11 my mem -- my memory on those incidents is -- is a
12 little hazy so I just want to -- if that's okay, I'd
13 like to stop there because I don't want to give you
14 information that I'm not 100 percent sure about so...

15 Q Well, if we were to have a trial and if
16 you were to say: Oh, I saw Cleckner, you know, abuse
17 somebody else on these other occasions, that's why
18 I'm asking you this question because I want to know
19 how much you know about that and what you're going to
20 say. If you're going to say, "I don't have any
21 information about that"...

22 A Then don't say that I saw it? Is that
23 what you're saying?

24 Q Yeah.

25 A Okay. Well, let me just say like this.

1 Let me -- let me clarify my answer.

2 It's not -- with Cleckner, with Deputy
3 Brock as he's called in the jail, it's -- it's not an
4 uncommon occurrence for him to come in and start
5 roughing people up. This is something that's been
6 happening quite a bit. It's happened quite a bit at
7 this jail, you know.

8 And I've seen it a bunch of times, but I
9 can't really recall the exact incident and the exact
10 what did he do to what inmate. And when you ask
11 me -- when you -- to get real specific, this is
12 something that happens often enough to where they are
13 blurred together, and I'm not -- I can't really
14 recall the exact incident. Doesn't really stand out
15 in my mind.

16 I know that sounds horrible, but it
17 happens quite a bit so it's not something that, you
18 know: Oh, my God, I saw him choke somebody. Because
19 I see him choke people all the time so, you know.

20 But do you -- when you want me to get
21 specific about which inmate he choked and which, and
22 how and all this, I don't want to do that because
23 they all blur together basically. I mean, if that
24 helps you any.

25 Q You have no real memory of this? Is that

1 what you're telling me?

2 A No, I won't say I have no memory of them.
3 I just can't answer you specifically who it was and
4 how it happened. And I just remember seeing the
5 incident. I can't -- I don't want to get pinned down
6 on the exact details because I don't want to tell you
7 something that's not true, you know.

8 Q 'Cause you don't remember the exact
9 details; is that right?

10 A That's fair, yes.

11 Q So the two that you've told me about are
12 the only ones that you remember specific details?

13 A Definitely remember those, yes, sir.

14 Q All right. So the incident that I think
15 your lawsuit is about happened on July -- or, excuse
16 me, June 30th of 2020. It's the -- I'll call it the
17 takedown incident.

18 Are you suing for anything -- any
19 incident other than that?

20 A Yes, sir, I am. For that specific
21 incident?

22 Q I know you're suing about that.

23 A Yes, sir.

24 Q I'm asking if -- is there any other
25 incident that you're suing about?

1 A During this proceeding or whatever?

2 Q Yeah.

3 A Yes, sir.

4 Q All right. Well, let's start for the
5 first one.

6 A Okay. You want me to just give you --
7 tell you what happened?

8 Q Tell me what happened. Give me the...

9 A Okay. So -- and this is all pertaining
10 to the same incident, but it just was -- it happened
11 over a period of a few days.

12 So it started off Mrs. Coach, Deputy
13 Coach that was working in my dormitory. She -- she's
14 very, very -- I'm not going to say like -- she's
15 very, very strict. Okay. So she comes in and then
16 there's a -- there's a set form of rules in the jail.
17 But some officers enforce certain ones; some don't.
18 Some give you a little more leeway than others.

19 I'm not trying to get too winded, but I'm
20 just trying to give you a little background on.
21 Okay. So Ms. Coach is the type that enforces every
22 single rule and with no exception, and she's very,
23 very strict. So lots of inmates have a problem with
24 that.

25 And there's -- and there's normally when

1 she comes in on a normal -- with a normal deputy, you
2 know, there might be one guy who's misbehaving or
3 whatever and he gets locked in his cell and he's not
4 allowed to come out of his cell because he's
5 forfeited by -- by his behavior he's forfeited his
6 right to come out and use the phone or watch TV or
7 whatever.

8 When Ms. Coach works, there's 30 or 40
9 inmates that are not allowed to come out of their
10 cell because of some infraction that she's said that
11 they did. Now, is that a true infraction? Probably.
12 I mean, I'm not going to say she's just doing this,
13 making it up. But she enforces rules that other
14 officers don't enforce.

15 Anyway, the reason I'm telling you this
16 is because she's really strict and, you know, so
17 that's how that goes. So one of the rules that --
18 that is neglected by some officers but not others is
19 making your bed. Okay.

20 Every officer but Officer Coach allows
21 you to eat breakfast first. And then after you get
22 done with breakfast you make your bed. And then you
23 have to make your bed in order to come out and
24 interact with all the other inmates.

25 Ms. Coach says that you have to make your

1 bed earlier than breakfast. So most people like to
2 wake up, get their tray, then eat it, then make their
3 bed. That's the common thing that everybody does,
4 all the other officers.

5 Is that the rules? I don't think so. I
6 think Ms. Coach enforces the actual rule that you
7 have to do it at this certain time, but she's the
8 only officer that enforces that so everybody
9 complains about it. A lot of people refuse to do it.
10 So that enables her to lock them down. And when I
11 say lock them down, I mean, withdraw their free time
12 based on the fact they didn't make their bed at a
13 certain time.

14 Q So let -- let's get a little bit -- let's
15 zoom out. The picture is, this is a multiprisoner
16 dorm; right?

17 A Yeah, 80 -- 80 men, yes sir.

18 Q Eighty? How many cells?

19 A Forty.

20 Q And two people per cell?

21 A Yes, sir.

22 Q And when you say locked down, tell me
23 what that means.

24 A Your door opens up at -- usually after
25 breakfast. They -- when they get done cleaning up

1 after the meal is served, then you can -- they open
2 your door up and you stay out in the -- in the
3 dayroom area where you can watch TV, use the phone.

4 You can go outside. There's a recreation
5 yard. There's a door you can go out. You can use
6 the phone. You can go -- there's a bathroom. That's
7 a big thing. There's a bathroom in the center of the
8 dorm that you can use so you don't have to use it in
9 front of your roommate and stuff like that.

10 When y'all -- when I say locked down, I'm
11 sorry, to answer your question, when you're locked
12 down, that means she's -- you're -- she's saying,
13 okay for -- I think the policy is for four hours she
14 can restrict your being able to come out. So she can
15 say, okay, you didn't -- basically what I was getting
16 at is, you didn't make your bed so now you have to
17 stay in your room for four hours.

18 Q So instead of being able to come out in
19 the dayroom, go to the special bathroom, go outside,
20 watch TV, whatever, you got to stay in your cell for
21 four hours?

22 A Yes, sir.

23 Q That's being locked down?

24 A Yes, sir.

25 Q That -- all right, continue with -- with

1 what you...

2 A So -- so in the course of me not making
3 my bed, which I admit that -- that I didn't make my
4 bed at the proper time. I mean, I will admit that.

5 She came around and -- and was saying
6 that, you know, this person, that person, you don't
7 get to come out, you don't get to come out, going
8 down the line. Because there's always -- there's 30
9 people that don't make their bed, you know, 'cause
10 they don't normally have to do that. So they're
11 like: Hey, you know, screw you basically, you know.

12 So she came around and -- and -- and does
13 that. Well, I am the type that, you know, as opposed
14 to her coming in there and messing with me and this
15 and this, I'd prefer to stay in my room for four
16 hours and read a book or something, you know. You
17 know, I'm okay being in there like that. So, you
18 know, so that's okay with me.

19 So, hey, I knew going in that I wasn't
20 making my bed and I knew that I was going to have to
21 get a four-hour punishment and I was willing to
22 accept the four-hour punishment to not have to get up
23 before breakfast. You know, so's that's what I did.

24 On this -- what -- what -- to answer, you
25 know, what's going on with this situation, well, she

1 didn't like the fact that I was okay with the
2 four-hour lockdown. That bothered her because she
3 wanted -- a lot of guys, they: What do you mean I
4 got a four-hour lockdown? They start kicking the
5 door. They start freaking out and usually leading to
6 more problems for their self, but it -- they're
7 visibly irritated by the fact that they don't get to
8 come out of their room, that they're on lockdown.

9 Okay. But me not -- me liking lockdown,
10 which is -- honestly I like lockdown because, you
11 know, basically I -- I don't want to go out there and
12 watch TV. And I'd rather sit in there and read my
13 Bible. You know what I mean? That's what I do.

14 So -- so I -- so her -- in my opinion,
15 her realizing that it doesn't bother me to be on
16 lockdown, made her mad. Because now her punishment
17 is not having any effect on me.

18 Q Okay. Just to be clear, this is not
19 something she told you about how she's thinking or
20 anything like that. This is your belief?

21 A Speculation on my part, yes, sir.

22 Q Understand, continue.

23 A So because of that, she's mad. So she
24 says: Okay, we're going to do a little something
25 different. We're going to take your mattress from

1 you. So you're not going to -- well, basically, she
2 said: You're not going to lay up in the cell and
3 blah, blah, blah, and not follow my orders and you
4 think it's okay and blah, blah, blah.

5 She came in the cell, opened the door.
6 She took all my books, including my Bible which was
7 the main problem I had, and threw my Bible in the
8 trash can. She threw it in the trash bag. And I
9 said: Whoa. Oh, that's one thing she did.

10 But she also pulled the mattress,
11 snatched the mattress out from under me. She grabbed
12 my mattress, and I was laying on my side. She
13 whipped the mattress, you know, real hard, pulled it
14 out from under me and it caused me to flip over. And
15 my elbow hit the metal bed, and it caused a bruise on
16 my arm.

17 And -- and I -- and then she -- and then
18 when she took my -- you know, and I had a comment or
19 two, you know. Yeah, I probably said something, you
20 know, because that's not normal treatment. That's
21 not something that -- from what I understand, she's
22 not allowed to do that.

23 And she took my Bible and threw it in the
24 trash can and took my books and threw them all --
25 they have a policy that has you can only have three

1 books in your room, and I had four. But the Bible is
2 something that you can have in any institution
3 anywhere. They can't take that from you no matter
4 what you do wrong, you know, unless you do a specific
5 crime with your Bible.

6 Since I didn't do that, she was supposed
7 to take the three books or one book out of the three
8 that I wasn't supposed to have. But, instead, she
9 took all the books and threw my Bible all in the
10 trash can, which I obviously had a problem with.

11 So then she didn't let me out at all that
12 day. That was -- and you're only allowed to get a
13 four-hour lockdown. Anything more than four hours
14 she has to write on a grievance. I mean, she has to
15 write a disciplinary report for you. You have to go
16 to court, and they have to sentence you to anything.
17 She's allowed to give you four hours of lockdown.
18 Anything more than that, she -- they have to go
19 through a different process.

20 She kept me on lockdown all day. And
21 then when I came out for the evening shift when a new
22 police deputy came in the dorm and relieved her for
23 -- for the nighttime shift, I went out to the kiosk
24 and wrote a grievance on her for throwing my Bible
25 away and for -- actually, I'm sorry -- I said -- I

1 said that wrong. Let me -- let me go back.

2 It was -- that wasn't this. That was a
3 different. I'm sorry, I got that confused. She did
4 let me out after -- it was more than four hours, but
5 it was about midway through the day she let me out.
6 I'm sorry. It was the following day that she kept me
7 in there all day.

8 The first day when I -- when -- after she
9 flipped me on the mattress and after she threw my
10 Bible away, that day sometime in the afternoon she
11 let me out. I wrote a grievance, put it on the
12 commuter saying that she threw my Bible away and that
13 she flipped the mattress over and caused me harm on
14 my elbow.

15 The security staff called me out and
16 said: We want to talk to you about this officer
17 pulling the mattress out from under -- under you.
18 And I said -- so I told them the same story that I
19 told you and that I was upset about it visibly. You
20 know, I was -- I was really upset. I didn't feel
21 like she should have done that to me, but my main
22 concern was I want my Bible back, you know.

23 So they took a statement. The officer --
24 they called the -- a -- some officer that's in charge
25 of internal -- oh, the IA officer. The internal

1 affairs officer came in. He filmed my statement. He
2 called the -- the orderlies. She had -- while she
3 was doing this, she had two inmate orderlies with her
4 that were like gathering the stuff up or whatever.

5 And then she -- so they called them.
6 They testified what they saw or whatever. She
7 admitted that she did that, that she pulled the
8 mattress out from under me? I received it -- and he
9 told me -- he just asked me a bunch of questions, and
10 then I went back to the dorm.

11 Then later on when I checked the --
12 the -- the -- my grievance and it gave me a status or
13 whatever on my grievance, it said that she was
14 reprimanded for -- for putting -- physically
15 snatching my mattress. She wasn't supposed to do
16 that; that she was reprimanded for that and that I
17 would have my Bible back by the end of the working
18 day.

19 Okay. So I didn't get my Bible back.
20 The next day I complained: Hey. I wrote another
21 grievance and said: Hey, I didn't get my Bible back.
22 She came in the dormitory early in the morning. And
23 instead of the 30 inmates that she normally has
24 locked down, she locked down 50 or 60 and actually --
25 or more.

1 And she said that there'll be no passing
2 food of any kind. Now, passing food is a really,
3 really big thing in there. Everybody doesn't eat
4 everything that's on the tray so there's a big market
5 for: I'm going to trade you my eggs for your grits.
6 Or we're going to do pancake for toast. You know,
7 there's all this.

8 Well, she told the dormitory that nobody
9 is passing anything. There's no extra trays. You're
10 going to get your tray. You're going to eat it in
11 your room, and that's it. And it's all because you
12 got people that want to write grievances on me, and
13 she pointed at my door.

14 And -- and then -- and then she said if
15 y'all want -- then she came around and searched the
16 dormitory, which a deputy in Houston County Jail, now
17 they can search as many as they want. Don't get me
18 wrong. But it's common everyday policy that they --
19 that they search three rooms per day.

20 Now, a deputy comes in, and every officer
21 does the same thing. They come in. They search
22 three rooms and then they go about their business and
23 it's a normal day. She searched every single room.
24 And when she did, she threw away everything that --
25 that -- now, true enough, these are items that

1 normally are -- are considered -- they're not
2 supposed to have, you know. Extra mattress, extra
3 blanket, extra magazines, stuff like that.

4 But all the other officers don't take
5 these things. You know what I'm saying? They -- the
6 people have had them forever. She comes in, and she
7 takes everything that she could possibly take within
8 the confines of the -- of the rules, I will say. I
9 mean, she's not taking things that you're allowed to
10 have.

11 But anything extra, anything she could do
12 to try to irritate the inmates that she's taking
13 from, she took all the way around the dorm. And she
14 says, you know: You don't like it, go talk to Room
15 One. He's the reason that this is happening.

16 And in my opinion and everybody else in
17 the dorm's opinion, she was doing that to try to get
18 inmates to assault me, to be against me. Because,
19 you know, hey, we're talking this because of Room
20 One. We're doing this because of this. You don't
21 get to come out of your cell because this guy wants
22 to write grievances on you.

23 And she did that loud in front of the
24 whole dorm. She pointed at me, pointed at my cell:
25 Some people want to write grievances, while pointing

1 at my cell. You know, so she's basically trying to
2 get everybody to beat me up basically. All right,
3 which is, you know, I'm not saying that she -- that
4 was her, you know. But that's what that causes, and
5 she knows that. And that's, in my opinion, that's
6 what she was doing.

7 Lucky for me, I grew up in Houston
8 County, and I know all these guys. I grew up with
9 them, you know, went to school with them and, you
10 know, they're not going to react to that. They know
11 she's the problem.

12 Had it been any other officer, they would
13 have probably beat me up. But they didn't because
14 she does this all the time. This is her MO and, you
15 know, they -- they know as the person that -- you
16 know, they said they -- you know, and I actually had
17 some people come to my door and, hey, we're going to
18 do this and do that to you.

19 And then some others guys say, you know:
20 Hey, that's Coach. That's not him. You know, she's
21 going to do that no matter what. Don't -- don't
22 blame him for what she's doing. But she was trying
23 to in -- in short, she was trying to get them to
24 assault me, you know, and trying to make it hard for
25 me. Oh, there's not yard call today because of, you

1 know, some people, you know, pointing at -- pointing
2 at, you know, my room.

3 Well, then, she also left me locked down
4 all her entire shift for day after day after day.
5 Okay. I can't say exactly how many days, but I know
6 two for a fact. She kept me in my cell all day long.
7 She's not allowed to do that. I'm only supposed to
8 be able to get four hours, but yet she didn't let me
9 out. I'm not letting you out at all. I don't care
10 what you say.

11 Q Can I stop you there?

12 A Yes, sir.

13 Q Was there some kind of offense or some
14 kind of thing that you had that you shouldn't have
15 had that caused a lockdown for these two days?

16 A The original day, the -- the first day
17 where she locked me down for, I said when she pulled
18 my mattress out from under me, I didn't make my bed
19 before chow, which is a -- is a -- yes, that's an
20 infraction. And I had one extra book.

21 Q You told me about that.

22 A Right.

23 Q Now, you're telling me about two other
24 days?

25 A The next day I had my bed made when she

1 got there right on schedule standing at attention by
2 my door because I hadn't talked to my fiancée' the
3 day prior, and I know she's a worry -- she worries
4 really bad if I don't call. So I -- whatever I had
5 to do to make -- to make sure I got out and used the
6 phone, I'm going to do because my -- my family's
7 worrying about me now 'cause I didn't call yesterday
8 and I call generally every day.

9 And that -- so I didn't do anything wrong
10 the second day. She just locked me down based on the
11 fact that you wrote a grievance on me, you know. The
12 -- the -- the -- dang what was I going to say? The
13 -- that's it, I guess. What -- what'd you -- oh, you
14 wanted me to continue on?

15 Q Well, you were telling -- you were
16 telling me you were locked down. I know the first
17 day with the mattress incident you had locked down?

18 A Right.

19 Q Then you told me about another day you
20 were locked down?

21 A And then one more following that.

22 Q One more following that. On the third
23 one, was there some kind of infraction or incident or
24 jail rule violation?

25 A No. The second, too, there was no

1 infraction whatsoever on both of the two days. She
2 just -- the -- the officers at that jail work three
3 days on and then two days and then, you know, but
4 however. But she was during a shift that they worked
5 three days in a row, you know. So all three of her
6 days I stayed locked down because of the grievance,
7 you know, that -- also, I will -- I forgot to mention
8 this.

9 I was a dorm trustee, which means I serve
10 the food. I -- you know, and this is a position in
11 the dormitory that's coveted, you know, because you
12 get extra food if there's any. You get out of your
13 cell early 'cause you have to pass the stuff out.
14 Everybody else has to remain locked down while you
15 pass trays out and while you clean up and all this.

16 So you get extra time during the day.
17 There's several different times during the day when
18 everyone else is locked down and you're out based on
19 the fact that you worked. I was a trustee up until
20 the time that this happened. And then she fired me
21 because of this, too.

22 So I lost my job as a trustee, and she
23 didn't let me out of my cell for three days. She
24 didn't give me my Bible back. They instructed her to
25 give me my Bible back. When I wrote the grievance

1 saying that I want my Bible back, I mean, this is
2 something that's a Constitutional right. I mean, I'm
3 allowed to have this, and there's no -- I have --
4 unless you use the Bible as a weapon or something
5 like that, they have to give you that, you know, by
6 law.

7 So I'm saying: Hey, I want my Bible
8 back, you know. Well, they kept telling her to give
9 me my Bible back. They're writing responses to my
10 grievances saying: Give him his Bible back. And she
11 flat-out refused to give it back because she -- for
12 whatever reason. I mean, she just was not going to.

13 In my opinion, it's because she didn't me
14 to feel like I was winning anything, you know, like
15 she's going to -- you know, I threw your Bible away,
16 and you're just going to have to like it.

17 But my problem was, the main problem that
18 I had, I finally got my Bible back nine days later.
19 Okay. But my problem with that is, my Bible -- I
20 didn't get my Bible back nine days later. My Bible
21 stayed in the trash can. I got a Bible nine days
22 later. They just brought me one and threw it in my
23 cell and said: There's your Bible.

24 But it wasn't my Bible because my problem
25 with that was that I had phone numbers and legal work

1 and stuff in it and I lost all of that so.

2 Okay. So to move on, so that's what
3 happened.

4 Q Can I ask you one thing?

5 A Yes, sir.

6 Q You said you were locked down during
7 Coach's shift?

8 A Yes, sir.

9 Q How long is a shift? Eight hours?
10 Twelve hours? How long?

11 A Twelve.

12 Q So you're telling me -- your testimony
13 is, after the mattress incident the next day, you're
14 locked down for 12 hours when Coach is there?

15 A Two more days.

16 Q I know. I'm going...

17 A Twelve hours apiece, yes, sir. From six
18 in the morning till six at night. Then the next
19 shift starts at six at night, and they let me out.

20 Q Okay.

21 A Because I hadn't done anything wrong.

22 Q All right, so continue.

23 A So that went on, and I kept writing
24 grievances. They kept saying that they were going to
25 give me my Bible. It didn't come back. I got it

1 back nine days later.

2 The -- then the next shift -- and --
3 and -- and, like I said, this has been a couple years
4 ago so don't quote me exactly on the day and the
5 time. But a following day that she worked, you know,
6 another day that she worked, she did it again. This
7 is -- this all happened in one shift.

8 But then the following one was the next
9 time she worked. 'Cause they go off for a couple
10 days. Then some other officer comes in, and then she
11 comes back. When she came back, she did it again.
12 And she locked me in my cell again, and she wasn't
13 supposed to do that. And they told me in the
14 grievance she wasn't supposed to do that.

15 My family didn't understand what was
16 going on; that she -- my fiancée' was worried to
17 death about me. So they -- Officer Coach said: You
18 know, you're locked down again. I said: For what?
19 She says: You know for what, you know. And I took
20 that as because you wrote a grievance on me
21 basically.

22 So I hadn't done anything wrong because
23 -- and I know I hadn't done anything wrong because I
24 knew Coach was coming to work and I specifically made
25 sure that I didn't have anything in my cell that

1 could be -- I was tired of being locked down.

2 So I wanted to make sure that there's no
3 infraction in my cell and that my bed was made. I
4 was basically standing at attention with my bed made
5 when she got there at 6:00 in the morning. She told
6 me I was locked down. She didn't pop my door when
7 everybody else came out after chow. She didn't open
8 my door. I'm like: What's going on? You know,
9 what's going on, you know, blah, blah, blah. There's
10 nothing you can do about it. You can't do anything
11 from inside your cell.

12 I felt like, you know: Hey, this is, you
13 know, getting carried away. The staff is -- is
14 telling me that she's not supposed to be doing this.
15 In my grievances -- my responses to my grievances,
16 they're saying, you know, we're going to handle this.
17 We're going to handle this, but it's not being
18 handled. I'm still being locked down. I'm still not
19 able to use the phone.

20 So I asked an inmate to -- I asked her
21 could I have some toilet paper, and she said yes.
22 She popped my door open, and I came out to get the
23 toilet paper. I grabbed the toilet paper and then I
24 turned and I got on the messaging system that they
25 have -- the kiosk is what it's called -- and messaged

1 my girl real fast: Hey, she's doing it again. Call
2 up here, tell them she's got me locked in my cell for
3 no reason. I love you. Bye.

4 I hung up the kiosk, turned around and I
5 was headed back towards my cell and Cleckner and
6 Bouerger came flying in. When they -- Bouer --
7 Cleckner was looking like, you know, I was scared.
8 You know what I mean? The way he was running, he was
9 running full speed. He was looking really mad.

10 And now this is completely just something
11 I heard, but I heard that he had a little thing for
12 Deputy Coach, you know. So that kind of maybe
13 motivated him to be so aggressive. I don't know
14 exactly what the problem was, but he was furious
15 looking.

16 And he -- when he came in, Coach said --
17 she stopped him at the desk like kind of -- not
18 stopped him, but she walked around the edge of the
19 desk. He came running in. She kind of stood. And
20 she said: We got one needs his ass kicked. And he
21 kept running, and the other Officer Bouerger tried to
22 stop Cleckner from -- from doing what he did.

23 Okay, Cleckner said: I'm going to tell
24 you one time to go to your cell. Well, I was already
25 on my way to the cell. I had made my message, had

1 sent it and was headed to my cell to go back in my
2 room and shut the door because I didn't want to get
3 beat up and I didn't want any problems. I just
4 wanted my fiancée' to call up there and tell them
5 that I'm being mistreated again by Ms. Coach.

6 So I was headed to my cell. He comes
7 running up with Bouerger right next to him. He said:
8 I'm going to tell you one time to go to your cell.
9 And I said: Yes, sir. And I threw my hands up in a
10 don't-shoot motion, both hands palm out like this. I
11 don't know how to -- don't shoot, you know. I said:
12 Yes, sir. And I threw my hands up like this.

13 Okay. As soon as I said that, Bouerger
14 reached his hand to try to stop Cleckner from
15 assaulting me. Cleckner slapped his arm down,
16 grabbed me around the waist, picked me up as high as
17 he could, paused for effect, you know, like wrestlers
18 do, and then dropped me like this.

19 And the way I'm -- what I'm explaining
20 is, he held my legs in my -- around my thigh area so
21 my legs wouldn't hit. And he made my head land
22 "bow," you know. Honestly, I mean, he could have
23 killed me. I mean, that's what I felt like he was
24 trying to do because that's very -- I mean, we're on
25 pavement. And he -- he picked me up like this and

1 went, "bow," you know, and slammed me on the ground.

2 That's the last thing I remember until I
3 woke up in the hallway. They were dragging me by my
4 feet. Now, from what I've been told in the
5 dormitory, that when -- that -- that I was
6 unconscious. I was flapping around like I was having
7 a seizure. There was blood everywhere.

8 They put me in a wheelchair and pushed me
9 out of the dormitory in a wheelchair. But, yet, I
10 woke up and there was no wheelchair in sight and they
11 were dragging me by my feet down the hallway. So I'm
12 like: How did I get out of the wheelchair? I was in
13 a wheelchair. You know, like why am I out of the
14 wheelchair?

15 Well, they drug me all over all the way
16 to Medical, which is a long way, approximately 100
17 yards down a hallway and around the corner. And then
18 right before we go in the side door of Medical, which
19 I found very odd because you have to get -- the way
20 they took me into Medical, you go into a yard area
21 that's -- that's for inmates that are in the medical
22 wing. They go outside to get fresh air and -- and,
23 you know, get a little outdoor recreation.

24 I've never seen any inmate get taken
25 through that door and through the yard and all. It

1 doesn't make any sense when you can go through the
2 front door of Medical and come straight into Medical
3 where all the nurses and the emergency room and all
4 that's at.

5 But, no, they didn't take me in that
6 door. They took me in a side door that goes through
7 a yard, a patio and a yard that's not on camera, by
8 the way. And they're going to drag me through that
9 yard into the thing.

10 Right before they take me in the door,
11 Cleckner jumps on top of me and starts choking me in
12 the hallway right outside the Medical room door.
13 Okay, I scream at the top of my lungs: Get him off
14 me. I'm screaming.

15 Now, where they're at, there's like four
16 officers all, you know, around me holding me.
17 Cleckner's on my chest, and he's choking me. The
18 booth can't see me, but there's a booth in the
19 hallway. So I scream at the top of my lungs: Get
20 him off me. Ahhh, I'm screaming at the top my lungs.
21 When I do, he let's go of my throat and jumps back
22 and backs away from me.

23 But, honestly, I mean, I'm not going to
24 say what his intentions were. But if I wouldn't have
25 screamed, I mean, it's obvious that the reason he let

1 me go out of that choke was because I screamed so
2 loud, you know, and that people knew. Without him --
3 without me screaming, he doesn't know -- I mean, no
4 one knows what's going on.

5 But I screamed at the top of my lungs so
6 the people in the security booth could hear it. And
7 so he jumped back and let me go. But, honestly --
8 and I can't speculate as to what he was going to do.
9 But it just seemed mighty odd that he had his hands
10 around my throat, and he was choking me like that.

11 You know, like this is not during the
12 altercation. I was out unconscious. I mean, they're
13 dragging me. I'm limp, you know. Honestly, I mean,
14 if you had to ask me why, I think he was going to try
15 to kill me. I think he was going to try to -- he
16 knew he had messed up, and I felt like he was going
17 to kill me. He was going to choke me to death and
18 say I hung myself. And that's something that, you
19 know, there's rumored to have happened before at this
20 jail.

21 So and then they drug me through the
22 patio and the yard area, which I'd never seen an
23 inmate ever go to Medical through the yard. They
24 always go in the front door. And Medical is like --
25 why are you taking me on -- the back way to Medical

1 through a place where there's no camera? If you had
2 to ask me why, I mean, I think this man was going to
3 try to kill me.

4 The reason that I tell you this story,
5 you asked me was there any other assaults or
6 anything. Well, yes, the Coach incident happened
7 days prior to this, but it's all tied into the same
8 thing. So if you ask me why I would be suing for
9 some other incident or whatever than her with the
10 mattress and the Bible thing, that's it.

11 Q I'm going to ask you some details here.

12 A Yes, sir.

13 Q So on this day when the incident with
14 Cleckner happened, you were locked down starting at
15 six in the morning?

16 A Yes, sir.

17 Q How long were you locked down before, you
18 know, the toilet paper and Cleckner happened?

19 A Five and a half hours approximately.

20 Q Before crawling and asking for toilet
21 paper, had you had any other interaction with Coach?

22 A Just me asking why. Now, she's -- I'm
23 talking to her through my glass door. She's -- can
24 hear me, you know, but she's at her desk and I'm in
25 my room. But if I yell loud, she can hear me.

1 I asked her: Why am I locked down?

2 What'd I do? And she says: You know why. And I
3 assume that meant because I wrote a grievance on her.

4 Q Now, is there intercom between your --
5 something in your cell --

6 A Yes, sir.

7 Q -- and Coach?

8 A Yes, sir.

9 Q Is that what you're talking on?

10 A I -- I pushed the intercom multiple times
11 to try to ask her why I was locked down, but she
12 wouldn't answer, which is, you know, if they -- if an
13 inmate is -- you know, some inmates barr -- you know,
14 barrage her -- rah, rah, rah over and over and
15 over -- so they don't answer the intercom.

16 They -- they answer it once. If you --
17 if you got a legitimate complaint or whatever, then,
18 okay, they'll address it. But if you: No, hey, I
19 want some extra food or whatever, then they just shut
20 it off and they ignore it.

21 She ignored mine from the start so I had
22 to yell, you know, for her to hear what I was -- you
23 know, she didn't answer me on the intercom. She just
24 talked to me out loud.

25 Q How far is your cell from where Coach is?

1 A Ten yards.

2 Q And Coach, I take it she's at a desk-area
3 type of thing?

4 A Yes, sir.

5 Q Okay. So you asked Coach for toilet
6 paper?

7 A Yes, sir.

8 Q And she says: Sure, you can have some
9 toilet paper?

10 A Yes, sir.

11 Q So did she send somebody with toilet
12 paper?

13 A She sent somebody, and she popped the
14 door at the same time, which what normally happens in
15 that situation is, you open it. Okay, there's a
16 railing here, and the guy that brought the toilet
17 paper comes to the railing. So I have to open my
18 cell, walk about four feet, and then he hands me the
19 toilet paper.

20 Q Yeah. So at that point you got toilet
21 paper?

22 A Yes, sir.

23 Q And what's your thought process?

24 A I want to send my wife a message telling
25 her that -- that I'm being locked down for no reason

1 by the same officer, and they've told her not to do
2 this to me anymore. I need you to call up here and
3 tell them that this is going on again.

4 Q Was there any more communication with
5 Coach?

6 A None.

7 Q So you went to the kiosk from your cell?

8 A Yes, sir.

9 Q And you know you're supposed to be locked
10 down?

11 A Yes, sir. Well, no, I don't know I'm
12 supposed to be locked down. I know that she said
13 that I'm supposed to be locked down. But --

14 Q Put -- put it this way...

15 A -- from what I understand, I'm not
16 supposed to be locked down.

17 Q Put it this way. You disagree with
18 having been locked down?

19 A Yes, sir.

20 Q But so far as Coach is concerned, she's
21 put you on lockdown status?

22 A She's never said a word to me. I asked
23 her. You know, she didn't -- I just said: Why am I
24 locked down? She said -- and normally if they --
25 when they lock you down or do any disciplinary,

1 they're supposed to inform you of why.

2 So that's what I was trying to find out
3 was: Hey, what did I do? Because I was going to
4 write another grievance, and I wanted to document
5 what -- what she's saying I did wrong 'cause I hadn't
6 done anything wrong. And she said: You know why.
7 And that's that. So, you know.

8 Q Between you getting toilet paper and you
9 seeing Cleckner coming, was there any order to
10 anybody to lock down?

11 A She told the entire dormitory to lock
12 down 'cause she was calling -- you know, I assume
13 because she was calling her Cleckner and them to come
14 in and beat me up basically.

15 Q How many times did she tell the dormitory
16 to lock down?

17 A I mean, when she hollered it, they all
18 kind of ran to their cell, you know, basically.

19 Q How many times did she give that order?

20 A I don't know. I didn't even hear her.

21 Q More than once?

22 A I didn't hear her at all.

23 Q How could you not hear her but everybody
24 else did?

25 A Because I just went straight to the

1 kiosk, and I was typing my text in. She -- I don't
2 know. I mean, I didn't -- I didn't pay it no
3 attention because all I was trying to do was get my
4 text in. And so I was paying attention to typing my
5 text.

6 As soon as I got the text done, I was
7 headed back to my cell. I wasn't trying to fight
8 her. I wasn't trying to stay out of my room. I
9 wasn't -- I just wanted my family to know that I was
10 being mistreated again and locked down for no reason.

11 Q So it sounds to me like only later, only
12 after this incident did you learn that orders were
13 given to lock down; is that right?

14 A I didn't -- really didn't learn besides
15 the fact that I know that I saw all the inmates go in
16 their room. So I assumed that there was a -- I don't
17 know that the order was given. But I saw all the
18 inmates at once go in their cells. So I could assume
19 that she told them to, but I didn't hear her tell
20 them to at all so...

21 Q So from the other inmates' behavior --

22 A Right.

23 Q -- you assume that orders had been given
24 to lock down?

25 A That's accurate, yes, sir.

1 Q Supposing that orders were given to lock
2 down, is there some reason that you would have
3 believed you were exempt from that order? That you
4 didn't have to lock down, but everybody else did?

5 A Supposing?

6 Q Yeah, I know. You say you didn't hear an
7 order to lock down?

8 A Right.

9 Q I'm saying assume for the purposes of my
10 question that there was such an order, one or more:
11 Lock down, everybody lock down. Is there some reason
12 that you can give us that you were somehow exempt
13 from that order; that it didn't apply to you, but it
14 applied to all the other inmates?

15 A Well, I -- I mean, I'm assuming that she
16 was talking to the other inmates. I mean, I'm
17 assuming that she knew what I was doing; that I was
18 typing on the kiosk and that, you know, that's a way
19 -- like if I was to have gotten on the phone to call
20 my family, she could shut the phones off, but she
21 can't shut the kiosk off.

22 So I'm just speculating now. I mean, I
23 don't know what's going on in her mind because I
24 don't know why she was doing the things she was
25 doing. But I'm assuming she was talking to them

1 because she's trying to get them to lock down because
2 she's calling security in there to rough me up. So
3 I'm thinking that she was talking to them. She
4 wasn't even talking to me really, I mean.

5 I don't think it would have -- I don't
6 think in her mind it would have been, you know, why
7 would she tell me? It's obvious that I'm, you know,
8 making a decision that I'm going to make this text,
9 you know. So, I mean, I'm assuming that she wasn't
10 even talking to me to begin with, if what you're
11 saying is true that she ordered everybody to lock
12 down.

13 All I know is that I saw everyone locked
14 down. I can't say that that order was given. I
15 mean, I just saw everybody go in their cell, you
16 know.

17 Q Was there any communication between you
18 and Officer Coach about --

19 A None.

20 Q -- you -- hold on.

21 A I'm sorry.

22 Q I think you know where I'm going. Any --
23 any communication between you and Officer Coach about
24 you going to the kiosk and being allowed to do that?

25 A None, no. It's pretty obvious that, you

1 know, I -- you know, I pretty much thought that
2 that's what she had in mind to begin.

3 I mean, honestly, you know, the officers
4 are not slow. They know exactly what this brings and
5 what this does. She knew when she called Cleckner.
6 I mean, in my opinion -- in my opinion now, I'm
7 speculating, but she called Cleckner to get me beat
8 up.

9 I mean, you know, like I said, she'd been
10 trying to get the inmates to do it and they wouldn't
11 do it. So then I feel like she called staff to do
12 it, you know.

13 Q All right. And so let me make sure. I'm
14 pretty sure we're clear. But you're not telling us
15 that there was some discussion where you asked Coach
16 about: Hey, I want to go send a message or go to the
17 kiosk? There was no discussion like that; true?

18 A That's true, yes. Oh, you're --
19 you're -- hold on. You asked me did I ask her to go
20 to the kiosk or was there any kind of...

21 Q Whether you asked permission, whether she
22 gave you permission. Was there any discussion
23 about...

24 A No, there was no discussion whatsoever
25 about me going to the kiosk.

1 Q So you -- bottom line, you took the
2 opportunity to get out of your cell. Now the door is
3 open. You're going to take the opportunity to go
4 send a message as fast as you can?

5 A Yes, sir.

6 Q Got it. No discussion with any officer?

7 A No, sir.

8 Q True?

9 A That's true, yes, sir.

10 Q So you're typing. You're focused on the
11 message. Did you send the message?

12 A Yes, sir.

13 Q What did the message say?

14 A Help. She's doing it again. Call up
15 here. They got me locked down for no reason.

16 Q That's done. Next step is you look up?

17 A I hit -- sorry, sorry, go ahead.

18 Q Go ahead.

19 A I hit send, and then I started walking
20 back to my cell.

21 Q And?

22 A Before I got to my cell, Cleckner came
23 running in. I already told you what happened on
24 that. And then he attacked me. I mean -- I mean, he
25 was going to do that. It was obvious to me that

1 he -- that was his intention all along.

2 The officer next to him tried to stop
3 him. He put his hand up and tried to hold him back.
4 And he -- and Cleckner slapped Bouerger's arm away,
5 slapped it down and then grabbed him.

6 Q Was -- did either of those officers tell
7 you to lock down before you were touched?

8 A He said: I'm going to tell you one time,
9 Sindell, to lock down. I said: Yes, sir. Put my
10 hands up like: Don't shoot. And as soon as I said,
11 "Sir," he grabbed me and slammed me.

12 He gave me -- I was headed to my cell.
13 Had he have not come in the dorm, I would have been
14 in there already. If -- he got in between me and the
15 room when he said that. I mean, I was on my way to
16 my room when -- I mean, all I wanted to do was send
17 the message. I didn't want to fight the police. I
18 wanted to get my family to call up here and tell them
19 that I was being mistreated.

20 Q So one order from Cleckner? Is that
21 what?

22 A I'm going to tell you one time to go to
23 your cell. But before -- as he said cell, he was
24 grabbing me and slamming me on the ground. He gave
25 me no -- he didn't give -- yes, he made the order,

1 but he didn't give me a chance to follow it.

2 I said, "Yes, sir," and put my hands up,
3 and he slammed me immediately. He had no intention
4 of letting me walk to my cell. He intended on
5 slamming me down to begin with, I mean, in my mind.
6 It was obvious because that's...

7 Q That's not something he told you? That's
8 your belief?

9 A Well, he didn't give me a chance to
10 really go to my cell. He said: I'm going to tell
11 you one time. And then he slammed me, you know, as
12 he was saying it. You know, like I was on my way to
13 my cell when he said it so...

14 Q All right. Bouerger, you've told me
15 something about what he did. He tried to intervene?

16 A Honestly, he did put his hand up like
17 this and tried to block. And I'm showing my -- his
18 hand trying to block Cleckner. Now, I don't know
19 right or left, but he tried to hold Cleckner back.

20 Q Okay.

21 A Because like I say, Cleckner's known for
22 being a hothead. You know, he was mad looking. And
23 Cleckner [sic] put his hand up like this and tried to
24 hold him back.

25 Q Bouerger, you mean?

1 A Bouerger -- I'm sorry -- tried to hold
2 Cleckner back, and Cleckner slapped Bouerger's hand
3 away and then grabbed me. Picked me up, held me up
4 in the air for a few seconds so everybody would go
5 "Oooh," and then blam.

6 Q Did Bouerger touch you?

7 A That I know of? At -- from what I
8 remember, you know, Cleckner picked me up, slammed me
9 on the ground.

10 What I was told by inmates later is that
11 after they -- he slammed me, then every -- they all
12 piled up on me, and other officers came in.
13 Everybody piled on me. They were all mushing me and
14 doing the normal, you know, twist your arms around.

15 And -- and then they put me in a
16 wheelchair, took me out in the hallway. But I don't
17 remember a wheelchair. I remember waking up, and
18 they were dragging me by my feet down the hallway.

19 Q Before you contact the ground, did
20 Bouerger touch you?

21 A No, sir.

22 Q Are you aware of anything that Bouerger
23 did that harmed you?

24 A Only by word of mouth from other inmates.

25 Q And what is that word of mouth?

1 A That after they -- they had -- when I was
2 on the ground, like I was had -- they said I was like
3 -- looked like I was having a seizure. I was
4 flapping around. Blood was everywhere.

5 They said that -- that, you know, they
6 twisted your arms and got on top of you. And, you
7 know, that -- and I don't know. I mean, I don't -- I
8 think that the roughness of it was a little
9 excessive.

10 But normally when there's any altercation
11 with an inmate and a deputy, that they -- they're
12 supposed to cuff you up and -- and secure you, you
13 know, or whatever. I was told that he did that.

14 Do I know -- are you asking me did -- do
15 I feel like -- you know, all I know is what I was
16 conscious for. What I've heard is that he piled on
17 with everybody else. But what I know myself
18 personally is that until -- like you said, before I
19 hit the ground, he didn't touch me. I don't really
20 know what happened after I hit the ground 'cause I
21 was unconscious.

22 Q So what is it that you're suing Bouerger
23 about? What did he do wrong?

24 A I -- I'm -- haven't made any decision on
25 who I'm suing or what I'm suing. I just contacted my

1 attorney and told them. You know, basically they
2 gathered information. They looked at the film, and
3 they made the decision on who to sue or whatever.

4 I only just told them what happened, and
5 they -- most of what they got from this incident, my
6 lawyers, is from what they saw on the film, I would
7 assume, you know. But -- so I don't know exactly who
8 to sue or what to sue. I'm not familiar with who did
9 anything. I don't know the legal process. I just
10 told them what happened, and this is where we're at
11 so...

12 Q Are you aware of anything that Bouerger
13 did that caused you harm?

14 A Only by word of mouth of other inmates.

15 Q And that's what you've told me already?

16 A Yes, sir.

17 MR. WAYMIRE: Do you want to take a
18 break?

19 THE WITNESS: Can I ask you a question?

20 MS. BURTON: Not in his presence, but
21 we're good to take break if he wants to. I mean,
22 I...

23 THE WITNESS: I have one question, and it
24 might actually be something that you'd -- that
25 you'd wanted to hear so. But I want to ask her

1 first so...

2 MS. BURTON: Well, can we go off the
3 record for a second?

4 (Discussion off the record.)

5 MR. WAYMIRE: Off video at 3:38.

6 (Brief Recess.)

7 MR. WAYMIRE: All right. Back on the
8 video at 3:44.

9 BY MR. WAYMIRE:

10 Q When we left off, you were perhaps going
11 to clarify something, and I'm happy to let you
12 clarify or add whatever you want.

13 A I pretty much gave you all I can. Well,
14 I thought -- I mean, I thought it was something more,
15 but I answered your question as far as I can do
16 unless you have -- you know, you want to ask me
17 anything further about it. I don't mind answering
18 but...

19 Q So you mentioned earlier or you used the
20 phrase: Blood everywhere. You went from -- you
21 started in the dorm. You ended up in Medical. Where
22 was the blood everywhere?

23 A On me. And then the other inmates told
24 me that they couldn't believe all the blood or
25 whatever. I heard. I haven't seen the film myself,

1 but I was also told in the camera that you can see
2 blood.

3 Q In the dorm?

4 A Yes, sir.

5 Q Because that's where the inmates were?

6 A I had blood all over my shirt so, but the
7 inmates said that it was gruesome looking and that
8 there was blood everywhere so that's what I'm going
9 by. But I did have blood on my shirt and my jumpsuit
10 so -- and my face and my neck.

11 Q You told me that when Cleckner and
12 Bouerger came in, Coach said: We got one needs his
13 ass kicked? Yes?

14 A Yes, sir.

15 Q Did Coach say anything else?

16 A I don't think so. That's all I heard.
17 And when I heard that, I kind of wasn't paying much
18 more attention to her. I was looking at the guys
19 coming, you know, so...

20 Q Were Cleckner and Bouerger in the dorm at
21 that time?

22 A Yes, they were coming around. In order
23 for them to get to where I was, they had to go past
24 her and her desk. And it's kind of a
25 horseshoe-shaped desk. So they were going around her

1 desk, and she stepped around the desk and was -- said
2 something to them as they were coming by.

3 Q Are you aware of anything else that
4 Officer Coach communicated to Bouerger --

5 A No, sir.

6 Q -- or Cleckner?

7 A I'm sorry. No, sir, I'm not.

8 Q So even before they got in the dorm, they
9 would have had to get some kind of call?

10 A Yes, sir.

11 Q Do you know anything about that?

12 A She called them on the radio. I mean,
13 that's -- that -- let me take that back. To me, it's
14 obvious that they came because she called them.

15 That's how it normally goes. She either
16 calls on the phone or the radio in order to say:
17 Hey, I need some assistance down here or whatever.
18 That's how it generally goes.

19 Did I hear the call or did I see the
20 call? No.

21 Q So when you regained consciousness, your
22 testimony is you were outside the dorm?

23 A Yes, sir.

24 Q In the hallway?

25 A Yes, sir.

1 Q So is this the hallway? There are a lot
2 of hallways; right? Was this the hallway that's
3 right outside the dorm or some other hallway we're
4 talking about?

5 A This is the hallway -- there's
6 actually this -- yeah, there's actually not a lot of
7 hallways. They're -- they're real big wide, one down
8 the center, you know.

9 It was -- I think you're asking me, did
10 they take me on a side hallway or anything like that
11 or...

12 Q No, I'm asking you where you were. If
13 you can describe for us?

14 A I was in the hallway in between Medical
15 and my dormitory. They were dragging me down the
16 hallway towards Medical, which is, yes, it's right
17 outside of the dormitory kind of. It comes out, and
18 then goes down towards Medical, I guess.

19 Q And who was there? What officers were
20 there?

21 A I couldn't -- I don't really know all who
22 was there. There was maybe one or two. Now, I think
23 there was one or two more officers. I know there was
24 at least one more officer. And -- and I know that
25 Cleckner and Bouerger was there.

1 And there was one other officer. I think
2 he was a gray-haired officer, but I'm not exactly 100
3 percent -- 100 percent sure. But there was
4 definitely at least one more officer there.

5 Q And you're being dragged, you say, down
6 the hall?

7 A Yes, sir, by my feet.

8 Q So we got two officers, one with each
9 foot? Is that the way it worked?

10 A No, there was more officers than just the
11 two. They had me by my -- the people that were in
12 the -- let me reiterate on what I -- what I said
13 earlier.

14 They had me, dragging me by my feet and
15 by my jumpsuit. You know, they -- they -- you had a
16 couple guys -- like I -- I would, I mean, I don't
17 know 'cause I just woke up. I was unconscious, you
18 know.

19 But I had -- my feet were being pulled on
20 by some -- it could have been one on each foot, or it
21 could have been one holding both foot [sic]. I
22 really can't say. But I know that my feet were -- at
23 one point I felt like I was being drug backwards.

24 But they also -- there was -- there was
25 definitely a point -- if I remember correctly now,

1 there was definitely a point that I was face-first,
2 and they had my jumpsuit. You know, like holding me
3 by my -- carrying me by my clothes, like lifting me
4 kind of like you would carry a suitcase or something.
5 But instead of the handles, they were using my
6 jumpsuit as handles basically.

7 Q When you use the term "drag," that tells
8 me that some part of your body is contacting the
9 ground. Is that the way it was or not?

10 A Yes, yes. At one -- for some time that,
11 yeah, I think so. My knees, when they had me on my
12 face like dragging me with my face down, my knees and
13 -- and -- and stuff were dragging the ground. My
14 feet maybe, you know. Like -- I don't -- I can't
15 really say, sir. I was, you know, just coming out of
16 being knocked unconscious.

17 But they were like dragging me down the
18 hallway. Whether or not a portion of my body was on
19 the floor or not, I really don't remember that
20 exactly so...

21 Q And then you say that at some point
22 Cleckner jumped on you and tried to choke you?

23 A I was -- no, I'm not going to say he
24 jumped on me. I was -- I was in and out of
25 consciousness going down the hallway. I woke up, and

1 I was right outside of the doorway that goes into the
2 patio section of the medical ward.

3 The door was open. My feet were -- if I
4 remember correctly, my feet were headed into the --
5 into the doorway. Cleckner was on top of me with his
6 hands around my throat.

7 Q Did Cleckner actually apply pressure to
8 your throat?

9 A He was -- yeah. I mean, he was -- I
10 started screaming, and he let me go. But I don't
11 know 'cause I was unconscious. When I woke up, he
12 had me around the throat. So I don't know had he
13 been choking me prior 'cause I was unconscious so I
14 don't know exactly what happened.

15 But when I started screaming, he jumped
16 back and pulled his hands back and then ran. He kind
17 of -- and kind of jumped up and ran kind of away from
18 me when I screamed at the top of my lungs.

19 Q Did you feel pain?

20 A Lots of pain, you know. I mean...

21 Q In your throat area?

22 A Oh, I don't know, sir. Honestly, I can't
23 remember if I felt pain or not. I know he was
24 choking me, and that's all I remember.

25 Q You were able to yell or scream so

1 that --

2 A Yes, sir.

3 Q -- would tell us that your airway was not
4 constricted. Would you agree with that?

5 A At the time that I screamed, it wasn't.
6 But he was choking me, and I was snatching and
7 jerking.

8 And did he enable me to scream? I don't
9 know. I mean, I -- I -- I don't want to be biased,
10 you know. I mean, maybe I squirmed out of it and
11 screamed. Maybe he let me scream maybe. I don't
12 know. But I took my opportunity that I had to scream
13 and screamed, you know, so.

14 I don't know if I fought to enable -- to
15 enable myself to be able to scream or if he allowed
16 me to scream by letting up pressure. I couldn't
17 honestly say, but somehow some way I was able to
18 scream, yes, right.

19 Q Is there some kind of physical injury to
20 you from -- from that, from Cleckner?

21 A From the throat?

22 Q Yes, sir.

23 A No. No, sir.

24 Q And so you -- your back was to the floor?

25 A I was on the -- on my back, yes, sir, on

1 the floor.

2 Q And Cleckner was on top of you?

3 A Straddling me. His legs -- his knees
4 were on either side of my hips, and he had both hands
5 on my throat.

6 Q What area did you say this was?

7 A Right outside of Medical yard, which is a
8 patio that's hooked to Medical, which is normally not
9 where they take you into Medical at. They normally
10 take you in the front door so...

11 Q I'm going to show you a -- this is a
12 still shot on my --

13 A Yeah.

14 Q -- on my computer.

15 A Yes, sir.

16 That's the yard. That's the patio.

17 Q That's what you're talking about?

18 A Yes, sir.

19 Q All right. So what I'm going to do is
20 make this...

21 A I think that this is the door over here.
22 I'm not positive 'cause I don't -- there's a door
23 somewhere on this -- one door is -- goes into the
24 Medical, and the other door is where I was. I think
25 that it's over here, but I'm not positive.

1 MS. BURTON: Wait a second. Can I see
2 that?

3 THE WITNESS: I can't tell which door is
4 which, you know. Is that my feet there? So
5 that's the door that I was coming in, and that's
6 the other door. Normally they don't take anybody
7 through that yard right there, you know.
8 That's...

9 BY MR. WAYMIRE:

10 Q So this is -- for the record, the
11 timestamp is 6-30-2020. It says Tue for Tuesday,
12 T-U-E, 14:20:34. Bottom right it says: Med pod.
13 Med pod R-E-C-R. And I'm going to just...

14 A Rec yard, med pod -- med pod rec,
15 recreation.

16 Q Okay. So I'm going to make a still shot
17 of this, and we'll just make this Defendant's
18 Exhibit 1. I'm just going to have to send this to
19 the court reporter and counsel. That way everybody
20 knows what we're looking at.

21 (Defendants' Exhibit 1 marked and later
22 remarked as Defendants' Exhibit 2 for
23 identification.)

24 A (No response.)

25 BY MR. WAYMIRE:

1 Q So this incident with Cleckner on top of
2 you happened while you were in this patio area?

3 A On the way into it. I was outside of --
4 I was in the hallway about to go through -- the door
5 for the patio was open.

6 Q Uh-huh.

7 A Okay. And my feet might or might not
8 have been in the patio already, but that was the way
9 I was going through the door was feet first into the
10 patio.

11 He was on top of me in the hallway
12 outside of the recreation patio, but the door was
13 open. That was the direction that I was obviously
14 headed, you know, and then ended up going, you know,
15 afterward.

16 Q What other officers were there?

17 A I -- I can't remember, sir. I couldn't.
18 I -- I remember that -- that Bouerger was there, and
19 I remember that there was an officer. I want to say
20 he had gray hair, but you can't quote me on that
21 because, like I say, I woke up and he was choking me.
22 I wasn't really counting officers, you know, so...

23 Q When you say choking, it's one thing to
24 have hands touching somebody's neck. It's another
25 thing to apply pressure. Do you agree with that

1 distinction?

2 A Yes, sir.

3 Q Okay. So I think you're telling us that
4 -- that Cleckner's hands were contacting your neck?

5 A Yes, sir.

6 Q Was Cleckner applying pressure?

7 A Yes, sir.

8 Q To what part of your neck?

9 A He was choking me. I mean...

10 Q So your windpipe?

11 A The center of my throat. I don't know.
12 I'm not a -- like is this my windpipe? Then, yeah.

13 Q Uh-huh.

14 A Then, yes.

15 Q And then when you yell, Cleckner jumped
16 back?

17 A I screamed. Yes, he jumped and ran.
18 Like he jumped off of me and took off running
19 basically.

20 Q Okay.

21 A He looked scared if you want me to add
22 something, I mean, real quick. I scared him when I
23 screamed or whatever.

24 Q Aside from Bouerger, Cleckner and Officer
25 Coach, can you identify anybody else, any other

1 officers --

2 A No, sir.

3 Q -- who were dealing with you?

4 A I'm sorry. No, sir. I didn't wait for
5 you to finish your question.

6 But, no, I don't. I'm not saying there
7 wasn't anybody. I just can't identify them and don't
8 remember if there was anybody else or not.

9 Q Okay. Do you know one way or another
10 whether you had a seizure in this incident?

11 A So can I give you like -- can I just --
12 when I woke up in -- in Medical, they said -- when I
13 got in Medical and I kind of, you know, came to, I
14 was like: Hey, you know, what's going on?

15 And they said: You had a seizure. You
16 had a seizure. And they kept saying it over and over
17 like they were trying to convince me that I had a
18 seizure. And they said it like four times.

19 I was like: I had a seizure? And
20 they're like: Yeah. And I was like: I did? And
21 they're like: Yeah, you got a history of seizures.
22 And I was like: I do? And they're like: Yeah. And
23 then I said: Well, was that before or after the
24 officers slammed me on my head? And when I did, they
25 slammed the door, and that was it.

1 When my wife called, which she called
2 because they she got the text from -- from me saying:
3 Call up here. They're harassing me or whatever. She
4 said that they -- that they told her that I had a
5 seizure and that I was in Medical. Didn't say a word
6 about any assault or anything like that. They told
7 her: He had a seizure. He's in Medical.

8 So for -- until I got a chance to talk to
9 her, she thought I just had a seizure. And she found
10 that that was odd because I called her with an
11 emergency 9-1-1 text saying: You got to help me.
12 Call up here. And then all of a sudden I had a
13 seizure, and I don't have any history of seizures or
14 anything like that. But they said I did so...

15 Q So do you have a belief about whether you
16 had a seizure or not?

17 A I believe that -- no. If I had a
18 seizure, it was because they slammed me on my head.
19 I mean, if I did have one, yeah. But I don't know if
20 head trauma causes you to have a seizure or not. But
21 if it does, then I probably did have a seizure. I
22 don't know.

23 But everybody told me that when they
24 slammed me on my head, I was flapping around like --
25 like a fish, like looking like I was having a

1 seizure.

2 I, in my opinion, they were trying to
3 convince me that I had a seizure, hoping that I
4 didn't remember what really happened is what, in my
5 opinion. But they kept saying: You had a seizure.
6 You had a seizure. And I'm thinking: No, you
7 slammed me on my head, you know. I mean...

8 Q Do you have a memory of actually having a
9 seizure?

10 A I don't know what -- I mean, I don't know
11 what having a seizure would feel like or what. I've
12 never had one so I don't -- I mean, I just know that
13 I was unconscious and that I was beat up. And, you
14 know, I don't know technically if I had a seizure or
15 not. I don't know how I would know that so...

16 Q All right. So excluding this particular
17 incident, have you had any seizure ever in your life
18 other than that?

19 A No, sir, never. Nothing similar to a
20 seizure at all.

21 Q You used the term wife. Have you been
22 married?

23 A I keep saying wife because I consider her
24 my wife, but she's technically my fiancée'.

25 Q I'm just trying to figure out. Have you

1 ever been married?

2 A Oh, no, sir. No, sir, I haven't. Sorry.

3 Q And this -- this gal who was your
4 fiancée', that's Kayla?

5 A Kayla Roberts, yes, sir.

6 Q When you sent messages to Kayla or
7 anybody else from the jail, was that always over the
8 kiosk; correct?

9 A I talked to her on the phone and wrote
10 her letters.

11 Q Gotcha. Was that through an email-type
12 system when you -- when you wrote messages?

13 A These messages, yes, sir, that was.
14 Whatever they -- the jail email messaging thing is,
15 is what I used.

16 Q Gotcha. Did you -- well, let's talk
17 briefly about grievances. I know you filed one about
18 the mattress incident. Yes?

19 A Yes, sir, I did. I'm sorry.

20 Q And then did you continue to file
21 grievances about other incident -- incidents?

22 A Multiple, multiple on this offense,
23 everything.

24 I grieved the fact that I was -- my Bible
25 got thrown away.

1 I grieved the fact that she flipped me
2 over and hit my elbow.

3 I grieved the fact that she wasn't
4 letting me out of my cell for multiple days.

5 And I grieved the fact that they beat me
6 up.

7 And then I grieved the fact that they
8 didn't -- they weren't doing medical. Like I say,
9 when it first happened, they put me on a laptop and
10 said: Hold your elbow up. And that was their
11 examination. I grieved that.

12 How can you properly examine me over a
13 laptop? You know, you're not even -- the doctor is
14 not even in the building. And I've got serious
15 injuries, and you're diagnosing me on a laptop. When
16 I wrote that grievance, they sent me to the hospital.

17 Q Which hospital was this?

18 A It's in Perry. It's the Houston
19 County -- I don't know. It's the closest one to the
20 jail, and it's in Perry, Georgia.

21 Q Okay. Well, let me get some background
22 information from you.

23 A Yes, sir.

24 Q Have you ever been involved in a lawsuit
25 before?

1 A No, sir.

2 Q Have you ever made a claim against
3 anybody that turn into a lawsuit?

4 A Never, sir, no. No type of insurance or
5 anything like that.

6 Q Have you ever made a workers'
7 compensation claim?

8 A No, sir.

9 Q How about filed bankruptcy?

10 A No, sir.

11 Q I think you told me you have no history
12 whatsoever of back injuries or pain?

13 A No, sir.

14 Q That's correct? Do you agree with that?
15 Before this incident.

16 A You're asking me, have I ever had a back
17 injury before?

18 Q Yeah, before this incident.

19 A No, sir, I haven't so...

20 Q Mental health treatment. Ever done that?

21 A A small amount, sir.

22 Q After this incident?

23 A Yes, sir.

24 Q And what -- was that connected with this
25 incident somehow? Or was it someplace...

1 A Can I? Yes, sir. I was -- honestly,
2 I -- I was petrified of police officers after that
3 point. They -- I had some -- they gave me some
4 sedatives. They gave me a few different types of
5 medication based on -- it really kind of -- I always
6 kind of felt like if you're not doing nothing wrong,
7 the police aren't going to mess with you. You know,
8 I had that attitude.

9 Like, hey, I'm not like a lot of the guys
10 in jail that: Oh, the police in this place. You
11 know, most of the people in here are guilty honestly,
12 and most of the people did something wrong. And, you
13 know, hey, you knew you were doing wrong going in.
14 So if -- if they arrest you, you can't be mad at the
15 police for it.

16 I've never had that issue with police,
17 you know. Even though I'm in jail, I've never been
18 an antipolice guy because I knew I was doing
19 something wrong when I did it, you know. But they --
20 but after this incident, I kind of am scared to death
21 of police because, you know, for obvious reasons. I
22 mean...

23 Q So you sought mental health treatment?

24 A Yes, sir.

25 Q Explain that.

1 A I wrote to the mental health people at
2 the jail, and they had me evaluated. And they
3 prescribed me different kinds of medications and
4 different types of sleep aids.

5 And I was really paranoid in my cell as
6 far as at night when I'm locked in there because I
7 felt like: Hey, I'm locked in here. There's no one
8 else in here. Anything could happen. They could
9 come in here and do anything to me and I wouldn't
10 know.

11 Honestly, I -- you know, when the man was
12 choking me, that's one thing, all the beating and all
13 that stuff. But the choking me really scared me. I
14 mean, that -- I didn't -- you know, I really honestly
15 felt like he was going to try to kill me in order to
16 get out of what he did. I mean, that was my opinion.
17 I didn't see any other reason to be choking me while
18 I was unconscious, you know.

19 Q So at the jail you sought mental health
20 treatment?

21 A Yes, sir.

22 Q Was that -- did that involve anything
23 other than medication?

24 A I saw a counselor a few times, and they
25 prescribed medicine. And then I -- they gave me a

1 couple months of the medicine when I got out. And I
2 just took that and -- and then I tried to -- tried to
3 wash it all away, you know. I tried to forget it,
4 but I started self-medicating after that. That's why
5 I ended up getting in trouble, if you ask me.

6 Q By self-medicating, tell me what that
7 means.

8 A Like, you know, I just kind of was
9 depressed and I wasn't working. I started drinking a
10 little bit, you know, little bit. I don't drink
11 normally. So I started drinking and, you know, just
12 kind of my whole life fell apart honestly.

13 And if you ask me, I wouldn't be here
14 right now if this wouldn't have happened. I'd be
15 working still, you know.

16 Q In terms of mental health treatment at
17 the jail, sounds like you had a handful of sessions
18 with somebody where you talked?

19 A Yes, sir. Yes, sir.

20 Q And were you diagnosed with anything?

21 A Not that I know of. I mean, I don't
22 know. They just kept giving me pills. I kept taking
23 them. That's about it.

24 Q Do you know what that medication was?

25 A I believe -- I'm pretty sure it was

1 Trazodone, and -- and there was another one I can't
2 remember. But Houston County would have it if you
3 check.

4 Q Before this incident ever happened, were
5 you on any kind of medication?

6 A No, sir.

7 Q None whatsoever?

8 A Are you talking about -- what kind of
9 meds? Only mental health medication or...

10 Q Any kind of medication. I mean, when --
11 before this incident June 30th of 2020, were you on
12 any kind of medication?

13 A Of any kind ever?

14 Q At the jail.

15 A Oh, I don't think so. Maybe, possibly.
16 But I don't -- I don't remember being on any kind,
17 no.

18 Q All right.

19 A Definitely wasn't on anything for pain or
20 anything, you know, that would...

21 Q And then after you got out of jail, you
22 have not been prescribed and you haven't taken any
23 kind of medication; is that true? I know -- I know
24 you got...

25 A Mental health or any kind?

1 Q Hold on. I know you got the supply that
2 they gave you at the jail, and you ran out of that?

3 A Right.

4 Q Aside from that -- lay that aside. After
5 you got out of jail in December of 2020, were you
6 prescribed any other kind of medication?

7 A For mental health reasons or for any
8 reason?

9 Q For anything.

10 A I think I received some medication for --
11 yes, I did, for COVID.

12 Q Okay.

13 A I had COVID, and they gave me a month or
14 two of medicine or whatever.

15 Q Gotcha. All right.

16 After this incident in June of 2020, did
17 you have any other interactions with Officer Coach?

18 A No, sir.

19 Q So you...

20 A Hold on. Hold on. Say it -- say it
21 again? I'm sorry.

22 Q Yeah. The incident June 30th of 2020 --

23 A Yes, sir.

24 Q -- where, you know, you -- you get taken
25 down --

1 A Right, right.

2 Q -- et cetera. Did you have any other
3 interaction with Officer Coach?

4 A No, sir.

5 Q Okay. How about Officer Bouerger?

6 A No, sir.

7 Q How about Officer Cleckner?

8 A No, sir.

9 Q So you're completely segregated from all
10 those three folks after this?

11 A Once I got out of jail, there's no
12 interaction because I'm not -- that's the only place
13 I ever saw them before was in jail so...

14 Q I understand that. But while you're
15 still in jail, I mean, you were in jail for another
16 five months or so.

17 A Oh.

18 Q So in jail did you have any interaction
19 with those three folks?

20 A Yes, many, many interactions.

21 Q Any -- any mention that had anything to
22 do with this incident?

23 A Yes, sir.

24 Q Okay. Tell me about all of those.

25 A Well, there was the normal inmate-officer

1 things because they -- they didn't segregate me.
2 They didn't separate me from these people. You know,
3 they -- they said that everything is fine, and nobody
4 did anything wrong. You shouldn't have come to jail,
5 and that's that.

6 Cleckner -- but as far as if you're
7 asking me if there's any stand-out, did anything said
8 or anything, is that -- I think that's what you're
9 asking me is, was there any mention of this or by
10 them or...

11 Q That's included in my question. I'd
12 certainly want to know that.

13 A Okay. So say your question again one
14 more time?

15 Q Yeah. So Coach, sounds like, was
16 normally one of the officers who came and dealt with
17 you in the dormitory; right?

18 A Right.

19 Q Did she keep coming to your dormitory?

20 A She -- they -- when this happened, I went
21 to Medical. And then when I was released -- I was in
22 Medical a long time. But then when I was released
23 from Medical, they put me in another dorm.

24 Her shift rotated, and she ended up being
25 in the dorm that I was in again so, and so did -- and

1 Cleckner, he come -- goes everywhere in the jail. So
2 I'm going to see him a lot. So that's that.

3 Q So let's just stick with Coach for
4 example.

5 A Okay.

6 Q Sounds like she was supervising the dorm
7 where you were?

8 A Yes, sir.

9 Q At least once, maybe several times?

10 A Yes, sir.

11 Q Was there any kind of -- anything that
12 you would call an adverse interaction where she did
13 something that wasn't appropriate or was out of line
14 for an officer toward you?

15 A Well, honestly, sir, no, I think that it
16 was actually the opposite. I think she kind of --
17 after that incident, I think she kind of backed away
18 from me and kind of treated me basically like she
19 treated everybody else after that point.

20 Q All right. So let's go to Bouerger. Did
21 you have any other interaction with him?

22 A Bouerger, no. No. No. I mean -- I
23 mean, yes, but not anything extracurricular, no.

24 Q Might have passed him in the hall? Might
25 have seen him but nothing that was inappropriate?

1 A Nothing, right.

2 Q Okay. And how about Cleckner?

3 A Cleckner came to my cell when I got to
4 Medical. He came in the dorm and -- now, let me just
5 say that Cleckner will come in when an officer needs
6 to use the bathroom or something like that. Cleckner
7 will come in and take that officer's spot and let
8 that officer have a 30-minute break or 15-minute
9 break, and that's a common occurrence.

10 He came into my dorm after that, and he
11 said that -- no, to -- to relieve an officer, I'm
12 sorry, to your thought. But he came and wanted to --
13 I mean, he came to relieve the officer that was in
14 the dormitory, and he was up there bragging about it.

15 He was saying: Yeah, I got one's going
16 -- you know, he's probably going to have to sue me
17 'cause there was blood everywhere, blah, blah, blah.
18 And he was making all these derogatory remarks about
19 how he beat me up and stuff. He was like bragging
20 about it basically.

21 Then I heard him. I think that he didn't
22 realize I could hear him, you know. Then he came
23 down to my cell, and he -- and he said: Hey, we all
24 good, right? Okay. And -- and I was like: What
25 does that mean exactly? He's like: Well, you know,

1 I had to do what I had to do. You know, you
2 shouldn't have came at me. And I said: Came at you?
3 What do you mean came at me? You -- you attacked me
4 from -- you know, like: Come on, get real, you know.

5 And he was like: Well, you know,
6 sometimes you got to use force. I wish you would
7 have -- he's like telling me -- he's like basically
8 trying to make it sound like, you know, he was
9 justified in what he did, and he knew he wasn't.

10 But he -- but, you know, his choice of
11 words were -- if he would have said: Hey, I'm sorry,
12 you know, I shouldn't have done that to you, then,
13 you know, we might not be sitting here today. But he
14 didn't. He said: We're good. Like he didn't want
15 to apologize. He wanted to just clear the air
16 without saying he did anything wrong, and he knows
17 for sure that he did something wrong so...

18 But that was that. But he was bragging
19 about it. He was -- yes, you asked me was there any
20 adverse? Yeah, he was up there laughing about it
21 saying: I got one's going to have to sue me 'cause
22 there was blood everywhere, ha, ha, ha. He was
23 making jokes.

24 And then there's, you know, 20 inmates
25 that'll tell you that he was in Medical bragging

1 about it, how he had to -- yeah, I had to rough one
2 up, ha, ha, ha, 'cause that's what he does. You
3 know, that's his reputation. That's why they call
4 him Brock.

5 Q Who else would have heard Cleckner say
6 the things that you are claiming?

7 A I have multiple inmates that -- that will
8 verify that and maybe 15 or so. Their names and --
9 and contact information are written down. I haven't
10 furnished those to my lawyer.

11 Q Have not?

12 A I have not. At this point I have not
13 because I -- I've been incarcerated so I'm not able
14 to go to my storage unit and get this paperwork that
15 I have.

16 But I have copy of all the grievances. I
17 have a copy of all the inmates that saw the incident
18 and their phone numbers, their contact information.
19 Everybody wrote all that. They wrote all that down
20 before I even -- before I even got out of Medical
21 they had that.

22 You know, they were -- people wrote
23 grievances on this incident, and that's not a normal
24 occurrence. Normally you -- you talk about what you
25 did.

1 But there was people in the dorm that
2 wrote grievances on this matter saying that they were
3 horrified by the incident and they don't feel
4 comfortable in the dormitory with Cleckner working
5 because they just watched him savagely attack some
6 inmate.

7 And they didn't even have anything to do
8 with it. They just felt like they were supposed to
9 write that in order to -- you know, that people
10 didn't like what went on. I mean, the whole dorm was
11 upset about it. You know, people -- there was a
12 small uprising behind this, you know.

13 Q So you have written statements from other
14 inmates about this incident?

15 A I didn't say I had written statements. I
16 had their phone numbers and their contact information
17 written down.

18 Q Whose names do you remember right now?

19 A I can't remember any of them, sir, but I
20 have them all. And I can -- I can -- I know like,
21 you know, 'cause like that one guy's name is Buck. I
22 remember him very clearly, you know. But he was --
23 he was -- 'cause he came to my dorm and said: Look,
24 I'm going to tell them what I saw, you know. You
25 need me to tell them 'cause I can't believe I just

1 saw that and blah, blah, blah. But I don't know his
2 real name. His real name is not Buck. It's written
3 down on my paperwork, you see.

4 Q You haven't given any of that to your
5 lawyer?

6 A No.

7 Q All right. Does anybody else have access
8 to that place?

9 A Kayla does, yes.

10 Q Can you get a message to her and get her
11 to...

12 A I'll be calling her.

13 Q Yeah.

14 A And, also, they wrote grievances so their
15 names will be -- plus, everybody that was an inmate
16 in that dormitory. The entire dormitory saw it so
17 every inmate in the dormitory that was present at the
18 time of this interaction saw the invoca -- you know,
19 and I talked to 80 percent of them, and 80 percent of
20 them said: Hey, I'll tell them exactly what I saw
21 because everybody was horrified by the event.

22 Q Yeah. So let me focus in on where you
23 claim that Cleckner was bragging about or somehow
24 talking about the incident to other people. After
25 the incident's happened, now he's talking about it?

1 A After I'm out of Medical, yes, sir.

2 Q Who would have heard Cleckner making
3 those statements?

4 A Multiple people. He was at the desk, and
5 there was a group of inmates around him. But he's a
6 real big, raw, raw, raw. You know, he's got a real
7 deep, loud voice. He's a -- he's a big body builder
8 guy so he -- his booming voice and I could hear him.

9 And, you know, honestly I was down on the
10 floor with my ear to the door trying to hear him
11 because I -- I was curious as to what he was going to
12 be saying about it, you know.

13 But everybody was -- you know, you got
14 inmates that are -- you know, they're hoodlums and
15 they're -- and they're laughing. And, hey, look
16 who's down there. There's that guy, you know, and
17 trying to boost things up and trying to make a scene
18 about it.

19 So, you know, when he commented about it,
20 he was -- you know, he wasn't in any way repentant.
21 He was -- and that's what really bothered me, you
22 know, is, he wasn't repentant at all. He was
23 laughing about it, you know, so...

24 Q So do you know any person's name who...

25 A No, but I can furnish those. I'm sorry,

1 I cut you off but sorry about that.

2 Q Any person's 'name who would have heard
3 those statements?

4 A I -- not that I can recall right now, but
5 I can furnish you with that information later.

6 Q And it sounds to me like at some other
7 time you were in Medical, and you heard him talking?

8 A No, sir.

9 Q No. So the only time you heard him
10 talking about this incident -- Cleckner -- was when
11 he came to a dorm where you were?

12 A Yes, sir.

13 Q True? You were locked down; is that
14 right? You were in your cell at least?

15 A I wasn't locked down, but I was in my
16 cell.

17 Q You were in your cell?

18 A I chose to be in my cell because here he
19 comes, and I don't want to be out there around him
20 so...

21 Q Cleckner is at the -- the officer desk
22 with some inmates around him?

23 A Yes, sir.

24 Q And he makes some statements?

25 A Yes, sir.

1 Q And then after that, he went and talked
2 to you? He went to your cell?

3 A He walked down to the cell. And he had
4 to because they were passing out food and stuff, you
5 know, and he came down there.

6 No, actually he just walked down there on
7 his own and came down there to the glass, you know --
8 you know, and made comments, you know. But they
9 weren't any kind of repentant comments. They were
10 like, you know: You should have --
11 that's-what-you-get comments, you know.

12 Q So other than -- well, just tell me
13 everything that he said to you.

14 A I can't remember exactly what he said.
15 But it was all pertaining to: You got to -- you
16 know, you should have -- you know, that's what you
17 get, you know, basically.

18 He said -- the exact words that I can
19 remember were: We're good; right? It was the first
20 thing he said when he walked up. And I was like --
21 and matter of fact, I think I did say: Is that an
22 apology? And he said: Apology? You know, or: You
23 shouldn't have came at me, you know, like. And I was
24 like: What? I couldn't even believe you said that.
25 Came at you? You know, you -- I definitely didn't do

1 that, you know.

2 So but basically he was trying to soften
3 it up without actually admitting he did anything
4 wrong, is what his intentions were.

5 Q That discussion lasted 30 seconds or
6 less?

7 A Yes, sir, if that. Fifteen seconds.

8 Q All right. And are you aware of any
9 other instances where Cleckner said or did anything
10 that you feel like had some relationship to this
11 incident?

12 A That's what I was -- when -- when you
13 asked me about something happening in Medical or
14 hearing something in Medical, that's what I was
15 referring to, but it was a third party. I heard it
16 through someone else that he was in Medical bragging.

17 You said: I heard it in Medical. But if
18 I said that, that's s not what I meant. What I was
19 saying was, he was -- somebody told me, lots of
20 inmates. You know, four or five inmates told me.
21 Because anywhere you go in the jail there's five or
22 six inmates. There's never one.

23 But five or six inmates that came back
24 from Medical said that he was up there bragging about
25 the fact that: I got one's going to have to sue me

1 because there's blood everywhere, blah, blah, blah.

2 And I roughed him up and, you know, that kind of
3 thing. He was bragging about the fact of what he did
4 to me so...

5 Now that's something I heard through
6 somebody else. I mean, I didn't hear that physically
7 with my own ears so...

8 Q Who told you that?

9 A Four or five inmates that went to
10 Medical.

11 Q Can you remember any of their names?

12 A No, but I can furnish you with their
13 names. I wrote everything down at the time that this
14 was happening. I documented everything.

15 And there's also grievances that I wrote,
16 and I put these people's names in the grievances.
17 And I don't know that -- that the State will -- I
18 mean, the county will furnish those grievances, but
19 there was a written record of them.

20 Oh, I do have physical copies of the
21 grievances, too. So Kayla can produce you with those
22 as well.

23 Q Beside your grievances, you seem to have
24 indicated that you wrote down notes about this or
25 information about this; is that true?

1 A Yes, sir.

2 Q Are we talking about notebook paper?
3 Spiral notebook? What?

4 A I used the back of -- of request forms,
5 different things that we have, you know, that --
6 forms and stuff that I wrote on the back.

7 I did this because when I -- when this
8 first happened, my public defender who was
9 representing me on the criminal charges I was
10 incarcerated for, told me: You need to write
11 everything down.

12 He subpoenaed the footage and sent the
13 footage to the lawyers I have now. But he told me:
14 I want you to write everything down that happens,
15 every note, every name, every everything.

16 So I did that, and I documented
17 everything that happened to me from that point
18 forward. From the time he told me that on, until I
19 got out.

20 Q And you still have that?

21 A Yes, sir.

22 Q How much paper are we talking about? How
23 many pages?

24 A Maybe a -- you know, it's thicker than it
25 should be because I'm writing around stuff that's on

1 the paper, but, you know, a good size stack of.

2 I mean, a lot of it's probably not
3 relevant. It's just that he told me to write
4 everything down, so I wrote everything. Every
5 medical appearance I went to, every -- everything
6 that I did -- that I did and everything that had
7 anything to do with Medical or my treatment there or
8 anything like that I wrote down.

9 Q And you still have that?

10 A Yes, sir.

11 Q Where is it?

12 A It's in our storage unit. Kayla has the
13 key to it.

14 Q Have you ever turned that over to your
15 attorney?

16 A No, sir.

17 Q Okay. How much -- well, let me -- let me
18 just say, lawsuits almost always are about money;
19 right? I mean, that's -- that's what you're asking
20 for? That's what a lawsuit does. That's the only
21 thing it can do usually. Okay?

22 With that in mind, what are you asking
23 for here?

24 MS. BURTON: And I'll object as to form.

25 THE WITNESS: Yeah, I don't -- not

1 necessarily. I didn't -- I'm not specifically
2 just asking for money. I didn't say that.

3 You're saying that, that that's what
4 they're about. But I'm not saying that's what
5 it's about.

6 I feel like part of that, you know, I'm
7 concerned with -- with the money that I'm losing
8 and have lost. Yes.

9 But at the same time, I mean, I feel like
10 this man needs -- this doesn't -- you know, a lot
11 of people in the dormitory told me: Hey, you need
12 to do something about it. Don't forget this.
13 Don't let this go. Don't get out and forget all
14 about this because he needs to be -- something
15 needs to happen to him. This is not right.

16 And they were saying: You owe it to all
17 of us to push this to the limit because that man
18 don't deserve to be working around, and they're
19 all nervous. Nobody wants to be around that kind
20 of thing, you know. So they're all telling me:
21 Hey, you need to get justice for all of us
22 basically because, you know.

23 But, yeah, I mean, am I out for -- for
24 blood? No. But, I mean, I don't think he's -- in
25 my opinion, I don't think that people like that

1 should be able to commit stuff. I mean, if I
2 would have done that to him, they would be putting
3 me in prison for a long, long time.

4 But he -- they told me: Oh, he did
5 everything within the confines of -- of -- that's
6 normal operating procedure. He didn't do a thing
7 wrong. And that really kind of bugged me a
8 little, you know. So I think he needs to be
9 disciplined.

10 It's not my job to say he needs to lose
11 his job or whatever, but I don't think he's
12 supposed to be doing this. And so I think
13 something needs to be -- I'm kind of out for
14 justice on that part.

15 And money-wise, he definitely has
16 affected my ability to make money. If he hasn't
17 -- if he hadn't, I wouldn't be sitting here right
18 now. That's the honest truth. I've never sued
19 anybody in my life. I don't want to sue anybody.

20 But if I can't do what I used to be able
21 to do and I'm not going to be able to make the
22 money I used to make, I think somebody should
23 compensate me for that, you know. Understandably,
24 I think. I don't know.

25 BY MR. WAYMIRE:

1 Q So how much compensation are you looking
2 for?

3 A Twenty million dollars. No. I mean, no,
4 I don't know. That's not -- I don't think that I'm
5 qualified to say that.

6 How much do I want? Of course, I want as
7 much as I can get. I think that I should be
8 compensated for what I've -- what I've -- suffering
9 that I've -- that I've went through. I don't know.
10 I mean, I've never been through this before so I
11 don't know what's available and what.

12 But I feel like I should be given money
13 as opposed to what happened to me. As far as the
14 damage concern, I've heard them say punitive damages
15 or whatever. I'm not sure exactly what that means.
16 But I believe I'm entitled to something like that.

17 I do feel like -- and I know for a fact
18 that my ability to make money -- look, all my life
19 I've done construction. Okay, I've worked. I make
20 my money. You know, you have a different skill set.
21 My money has been made with physical labor, you know,
22 with my brain but also with physically using my --
23 the strength of my back to -- to commit -- complete
24 these jobs. I can't do that anymore. He took that
25 from me.

1 So I feel like whatever I would have made
2 had he not have done this, I feel like he should --
3 that's what they should pay me. So you figure up how
4 much I was making, how much -- you know, what I could
5 have made by the amount of time that -- that would be
6 estimated that I would have left, plus some for the
7 -- for the -- for the -- for my pain and suffering,
8 and that would be fair to me.

9 Q Is there something that indicates to you
10 that your back won't get any better?

11 A Hasn't in two years. Other than that,
12 no. Seems like a long time to still have an injury,
13 you know. So most of the injuries I have heal up
14 real fast so...

15 Q So far as Officer Coach, I know she's
16 involved in this incident. I mean, are you suing her
17 for some kind of physical injury that you got?

18 A The elbow, the pulling of the mattress,
19 slinging my elbow. It wasn't a major injury, but she
20 wasn't right to do that. They even told me that she
21 was wrong to do that to me.

22 The nine days that she threw my Bible in
23 the trash, to me that's highly disrespectful. That's
24 my religion, and that bothered me a bunch. What
25 that's worth? Who knows. That's not for me to say,

1 I don't think. But I definitely feel like that was
2 something that -- it was really offensive that she
3 threw my Bible away, honestly.

4 Oh, and the fact that she is -- kind of
5 was the cause of all this, if you ask me. I mean,
6 this is -- without her, none of -- I don't know that
7 this would have happened. I mean...

8 And then that coupled with the fact that
9 she said, "We got one needs his ass kicked," might
10 have been what led him to slam me on the ground. I
11 mean...

12 Q Going back to the mattress incident real
13 briefly, Coach is in there because you haven't made
14 your bed. You got locked down, and now she's back?
15 Is that the -- that's the setup, right, if I
16 remember?

17 A She -- no. She -- yes, yes. I'm sorry.
18 Yes, that's -- she came through. I hadn't made my
19 bed. She -- she locked me, said that, you know, she
20 doesn't say anything. She just don't open your door
21 when it's time for it open. She saw that that didn't
22 affect me any, you know.

23 So later when I'm smiling on my bed like:
24 Hey, good, thank you for not opening my door instead
25 of everybody else is kicking the door: Hey, let me

1 out, I'm laying there going: I appreciate you not
2 opening my door.

3 That bothered her. So then she decides
4 to do a room cell inspection, and that's when she
5 opened on my door, throwed [sic] my Bible away and
6 snatched the mattress and flipped me over.

7 Q So in this room cell inspection, you're
8 laying on your bed; right?

9 A Yes, sir. I'm sorry.

10 Q And what does a room cell inspection
11 normally involve?

12 A It normally involves everybody step out
13 of the cell. You step out of the cell, and then she
14 searches for any contraband that you might have. She
15 takes people's mattress, has been known to take
16 people's mattress in addition to the four hours,
17 which I'm pretty sure she's not allowed to do that
18 but I can't say for a fact. But that's her extra
19 punishment.

20 You know, like if it doesn't bother you,
21 some people don't get out of bed. Okay, some people
22 don't get out of bed for the -- to make their bed.
23 She gives them four hours, but they don't even know
24 it because they sleep through the four hours. They
25 never get up to begin with. So lunch time comes,

1 they jump up.

2 Well, that bothers her because what was
3 their punishment? They were going to be in bed
4 anyway. So that's why she came in to snatch my
5 mattress was because she didn't want me, you know,
6 enjoying my four hours of solitude. She wanted me to
7 be punished during that time so she snatched my
8 mattress away. That way I couldn't lay there and
9 read a book. I had to be uncomfortable.

10 Q Yeah. You're awake, right, when she
11 comes?

12 A Yes, sir.

13 Q And you understand there's some kind of
14 -- she wants to search the cell; is that right?

15 A Yes, sir.

16 Q And did she give you any kind of orders?

17 A No, sir. She just walked in and snatched
18 my mattress.

19 Q And that, I mean, your full body weight
20 is on the mattress; right?

21 A I'm on my side, yes, sir.

22 Q So the mattress comes out?

23 A She pulls it like as if you would snatch
24 a table cloth out from a -- a setting. She pulled
25 the mattress.

1 But me, had I been on my back, she
2 wouldn't have been able to pull the mattress. But I
3 was on my side. So when she pulled, it flipped. You
4 know, it flipped me, you know, 'cause I was laying on
5 my -- on my side.

6 Q And as a result of that, your elbow
7 banged the...

8 A My elbow banged the bed and...

9 Q Steel bunk?

10 A Yes, sir.

11 And that's documented. There's a --
12 the -- they -- when I wrote the grievance, the deputy
13 took pictures of that and even reprimanded her for
14 that so...

15 Q Okay.

16 A Can I reiterate one thing that I said to
17 you?

18 Q Sure. Go ahead.

19 A When you asked me how much I expected and
20 I said 20 million, I mean, that was -- you know, you
21 asked me how much. If I can rephrase your question
22 was, how much money do you want?

23 Well, you know, yeah, everybody -- do I
24 expect something like that? No. I mean, I'm not
25 trying to just get ridiculous. But, you know, I said

1 that as kind jokingly 'cause you asked me, you know,
2 how much money do I want? Well, how much money does
3 anybody want? We want a lot, you know. But do I
4 deserve 20 million? No, I don't think so. I just
5 wanted to make that clear. I mean...

6 Q Well, what's the lowest fair value that a
7 jury should award to you?

8 MS. BURTON: I'm going to object, the
9 same objection.

10 A (No response.)

11 BY MR. WAYMIRE:

12 Q You can answer the question.

13 A So do I still answer?

14 Well, I would have to -- before I could
15 answer that, I would have to figure out what my
16 projected lifespan would be, and that would let me
17 know how much money I'm losing in this case.

18 And then -- and then I don't know what's
19 fair for the damages I received. Like what do they
20 pay people for their suffering? My back's hurting
21 right now. I don't feel like I should have to go
22 through that because -- because of him.

23 What is that worth? I don't know. I'd
24 have to get some kind of comparison on what -- what
25 -- what that's worth basically. I mean, does that

1 sound right or no?

2 If you want me to say wages-wise, tell me
3 how long you think that I would -- you could estimate
4 that I would live, and I can calculate up that times
5 the amount of money I think that I would have made
6 during that time. And I could give you a figure
7 based on loss of wages.

8 As far as the pain and suffering, that
9 type of thing goes, I don't know what that's worth,
10 sir, so I really couldn't give you an accurate
11 figure.

12 Q Your Complaint in this case mentions the
13 First Amendment which provides a number of -- number
14 of rights, one of which is free speech, and there are
15 others. I'm trying to figure out where that fits
16 into this case, so I have a response to one of your
17 -- one of the questions.

18 Your response to one of our questions,
19 and I think it answers the question but you tell me.
20 I'm just going to read the part that I think
21 explains. Quote -- and this is in response to --
22 this is in response to Interrogatory 7, Cleckner
23 Interrogatory 7.

24 It says: Plaintiff asserts that
25 defendant Deputy Jacob Cleckner used excessive force

1 and attacked plaintiff without reason.

2 Defendants Coach and Bouerger further
3 created what plaintiff believes to be the conditions
4 that activated plaintiff's injuries, including
5 negligently placing plaintiff in a chair after a
6 seizure, causing further injuries.

7 Plaintiff believes this conduct was in an
8 attempt to stifle and suppress plaintiff's right to
9 reasonable objections and in consideration of
10 plaintiff's need to maintain communications with
11 those in the community who support plaintiff and
12 plaintiff's Complaint that he was set up to have more
13 books than the number authorized in order to suffer
14 punishment, period.

15 Is that what we're talking about so far
16 as First Amendment free speech in this case?

17 A Sir, you kind of lost me there. I -- I
18 don't -- I didn't write that so I'm -- you know, I
19 got -- I'd have to -- to review it before I could
20 speak on it. I haven't -- I didn't write that. So
21 my lawyers wrote that.

22 Are you asking me, do I feel like my free
23 speech was prohibited? Or, you know, do I feel like
24 my -- what are you asking me exactly?

25 Q Give me a second.

1 Paragraph 43 of your Complaint, which I'm
2 happy to let you read, says: Assuming arguendo that
3 defendants' violent actions were in response to any
4 action by plaintiff, comma...

5 A I'm sorry. Start over? I apologize. I
6 drifted off there.

7 MS. BURTON: Can I recommend that we just
8 put this into the record, and let him review it?

9 MR. WAYMIRE: Yeah. No, I'm going to
10 read it here.

11 MS. BURTON: Okay.

12 BY MR. WAYMIRE:

13 Q Assuming arguendo that defendants'
14 violent actions were in response to any action by
15 plaintiff, comma, defendants' actions were solely in
16 response to protected speech by plaintiff, a
17 violation of his First Amendment rights.

18 So what protected speech were they
19 reacting to?

20 A I don't understand, sir. I don't want to
21 answer that 'cause I don't understand what you're
22 saying or what you're asking me.

23 Q Okay. Well, look it, here's 43 --
24 paragraph 43.

25 A Yeah, it would be better if I could read

1 it.

2 MS. BURTON: Can I see that for a second?

3 THE WITNESS: Yes, ma'am. Not trying to
4 be difficult. I just don't understand. I like to
5 know what I'm -- what I'm saying.

6 MS. BURTON: Which paragraph?

7 MR. WAYMIRE: Forty-three.

8 THE WITNESS: What's arguendo mean?

9 BY MR. WAYMIRE:

10 Q For the sake of argument.

11 A Okay. I'm the plaintiff. Defendants'
12 actions were solely -- defendant's actions were
13 solely in response to protected speech.

14 I'm not going to say what the defendants
15 -- what their actions were based on. I don't know
16 what their actions were. How would I know what they
17 were thinking or what they were responding to or
18 doing?

19 Q Understanding you don't know what's going
20 through their heads, I get that. What kind of speech
21 by you do you think that anybody -- any officer was
22 reacting to?

23 A When they assaulted me?

24 Q Yeah.

25 A So you're asking me -- so can you phrase

1 your question where I can understand it more clearly?
2 You're saying, what did they say? What did they
3 prohibit me from -- what did I say that caused them
4 to do this? Or...

5 Q I think that's what your Complaint
6 alleges. And so I'm trying to figure out what it is
7 that you -- yeah, what it is that you said that was
8 protected by the First Amendment that caused some
9 officer to do something that you're suing them about?

10 A Oh, what -- what do I feel like they
11 violated my First Amendment rights on?

12 Q Yeah.

13 A Well, first, you'd have to clarify what
14 the First Amendment guarantees or doesn't guarantee.
15 Or I need to know what the First Amendment is before
16 I could answer that.

17 Q It guarantees a number of things. It
18 guarantees free speech, freedom of religion.

19 A Well, the religion would be a big one.
20 She threw my Bible in the trash can.

21 Q It guarantees a number of -- of things.

22 A Well, that's one. You said you -- you
23 want everything. Well, that's one of them other
24 than -- so keep going, and I'll tell you what else I
25 feel like.

1 Q There's the right to petition the
2 government. So, for example, filing a lawsuit is one
3 of those.

4 A Do I feel like they inhibited me from
5 that or -- I feel like they inhibited me by not
6 letting me use the kiosk to contact my family about
7 what they you were doing. So that would, I guess,
8 would be a freedom of speech. They stopped me from
9 being able to call out for help.

10 I feel like they definitely throwed (sic)
11 my Bible in the trash can -- threw my Bible in the
12 trash can, and that's protected by the First
13 Amendment; correct? My right to religious whatever?

14 I mean, you got to -- I mean, I would
15 really have to see the First Amendment before I could
16 say in which way did they violate the First
17 Amendment. I'd have to really know what that is. I
18 don't -- I'm not familiar. I know some of it, but
19 I'm not familiar with all of it so I really don't
20 feel comfortable in answering that, you know.

21 Q Okay. Well, let's talk about your
22 criminal history.

23 All right. I'm going to call this
24 Defendant's Exhibit 2. I'm just giving -- I'm just
25 letting you --

1 A Yes, sir.

2 Q -- see this to the extent it might jog
3 your memory.

4 A Okay.

5 (Defendants' Exhibit 2 marked and later
6 remarked as Defendants' Exhibit 1.)

7 BY MR. WAYMIRE:

8 Q My basic question is -- set of questions
9 involves mostly felony convictions.

10 A Yes, sir.

11 Q But let's just talk about convictions in
12 general aside from traffic tickets and things of that
13 nature.

14 A Yes, sir.

15 Q So let's just go backwards in time or
16 forwards if you like. But let's talk about your
17 convictions, what they are, where they were, where
18 they happened.

19 A All of them?

20 Q Yeah.

21 A Or start over here and...

22 Q Yeah, start with the beginning.

23 A Okay, so...

24 Q Or start at the end and go backwards,
25 whichever you prefer.

1 A All right. So we have involuntary
2 manslaughter. This happened in -- when I was a
3 teenager which was, you know, 30 years ago or
4 whatever.

5 My best friend overdosed in my hotel room
6 and it was a horrific event and I was very distraught
7 about it, wish it wouldn't have happened. It's one
8 of the worst incidents that happened in my life.
9 Definitely not something I caused or wanted to
10 happen. This is a -- him over -- overdosing in the
11 -- in my hotel room. I shared some drugs with him.
12 After he -- after I told him no multiple times, I
13 finally agreed to give him some, and then he
14 overdosed.

15 He -- my girlfriend was 100 pounds at the
16 time, used double the amount that he did. So for
17 whatever reason, he was highly susceptible to that,
18 or it was -- had a low tolerance, I guess you would
19 say, and he overdosed.

20 We didn't know he overdosed. He slept in
21 the bed with someone else all night long. He had
22 died in his sleep. We were all watching a movie. We
23 all fell asleep. And when we woke up in the morning,
24 it was time to check out of the hotel room. All of
25 us got out except him, and then we come to find out

1 that he had passed away.

2 Q That was the involuntary manslaughter?

3 A Yes, sir.

4 Q Looks like in the same case you were
5 charged with a drug offense?

6 A Yes, sir.

7 Q And when were those convictions?

8 A 1996, sir.

9 Q When were you last incarcerated on
10 account of that?

11 A 2003. I got out in 2003.

12 Q Do you have any convictions after that?

13 A Yes, sir.

14 Q Okay. Tell me those.

15 A We have a possession. Actually --
16 actually, no, I'm sorry. There was something before
17 that. Would you want to talk about that? Or you
18 asked me was there any after it. I guess, I'll
19 just...

20 Q Let's just go after.

21 A Okay. After it, I have a -- I don't. I
22 mean, I don't see any here. Or do you want me to try
23 to remember?

24 No, I have -- afterward, I have a --
25 having a false identification. It's -- it's -- it

1 was actually worded as identity fraud, but it was me
2 having a false identification in order to secure a
3 job that I couldn't get because I was a convicted
4 felon. That was in 2010.

5 Q Where was that?

6 A Houston County.

7 Q Was that a felony conviction?

8 A Yes, sir.

9 Q And when were you last incarcerated on
10 that?

11 A The -- that was it. It was approximately
12 2004 area, somewhere along that line. Oh, no, I'm
13 sorry. 2010. 2010 is when that was.

14 Q So how long did you serve on that?

15 A I served eight months approximately,
16 maybe 10 at the most.

17 Q All right. And so you were released in
18 2010?

19 A May have been 2011. I would receive the
20 sentence in 2010, but I think that I received the
21 sentence in December. And I did another 45 days
22 which would have put me into January of 2011.

23 Q All that time was served in the Houston
24 County Jail?

25 A Yes, sir.

1 Q Any after that?

2 A Convictions? No.

3 Q All right. So far as charges, I know
4 you've still got pending charges from 2020; correct?

5 A Yes, sir.

6 Q And then you got new charges that landed
7 you here in the Bibb County Jail; correct?

8 A Yes, sir.

9 Q What are you charged with so far as...

10 A Theft by receiving a motor vehicle.

11 Q Is that the only charge?

12 A Giving false name. Misdemeanor and a
13 felony.

14 Q Okay. When do you expect those to be
15 resolved?

16 A Hopefully here in the next -- tomorrow
17 would be nice, but I'm -- I'm -- realistically I'm
18 hoping to be out for the summertime, you know.

19 Q Do you have a trial scheduled?

20 A No, but it's -- it's a -- this crime,
21 this county has lots of crime and lots of problems
22 and lots of violent crime and this type of thing.

23 Theft by receiving is generally looked at
24 as a very low felony. And -- and I'm not on
25 probation, and I haven't been convicted of anything

1 in 10 years or 13 years.

2 So it's looking -- my lawyer says it
3 looks pretty good for me to get probation or even
4 something smaller maybe. Time served maybe.

5 Q All right. Aside from convictions in
6 Houston County, do you have convictions in any other
7 jurisdiction?

8 A I have a -- no, I don't think so. Don't
9 quote me.

10 I have been arrested in Florida. I went
11 to jury trial on one. I don't want to say for a
12 fact.

13 I mean, it's been a long, long road. I
14 know that I haven't -- I know that I've gotten my
15 life together and I haven't -- until this incident
16 happened, I wasn't getting in any trouble, you know.
17 I was staying out of trouble.

18 But since I was not -- haven't even been
19 able to work, you know, so I -- maybe I -- I'm not
20 saying I did because -- but maybe I resorted to other
21 means to try to support my family and stuff because I
22 couldn't earn the money I used to earn.

23 Q So Florida criminal proceedings. Tell me
24 about those.

25 A Sir?

1 Q You said you had a jury trial in Florida?

2 A Yes, sir. I had an instance where a man
3 in -- we were at a hotel going to the Keys to go
4 fishing. A man -- a man tried to sexually assault
5 my -- my fiancée' at the time. I've been engaged
6 before. I've never been married before, but I was
7 with a woman, well, off and on for about 10 years.

8 And we went down to Florida to go
9 fishing. And we stopped at a -- it was at night, and
10 I didn't want her to go into the Keys at night.
11 Because in the daytime it's real pretty. You're
12 going across the bridges at night, you really can't
13 see anything.

14 So we stopped at a hotel in order to wait
15 for the morning. And then she walked to the store,
16 and somebody sexually assaulted her on the way.

17 Then he chased her back into our hotel
18 room. And I slammed the door. He kicked the door
19 down. He kicked the door, went over to the window,
20 tried to get in. Then he ended up kicking the door
21 in.

22 And I -- right before the door -- the
23 doorknob flew off and right before the door busted
24 open, I grabbed a lamp. And when he kicked the door
25 in, when he walked in, I smashed him with the lamp.

1 And they looked at my record and arrested me for
2 whatever crime, you know, an aggravated battery or
3 whatever.

4 But then when -- because based on my
5 record that I have a violent crime when I was a
6 teenager, so which really wasn't even a violent crime
7 but that's how they look at it. Oh, they seen the
8 manslaughter so they charged me with aggravated
9 battery or something and something else I can't
10 remember.

11 But I went to jury trial because I wasn't
12 guilty. I mean, Florida has got a real liberal
13 stand-your-ground law. And, I mean, he kicked our
14 door in and was trying to attack us. So I hit him
15 with a lamp one time. So, I mean, that's -- so
16 they...

17 Q You were acquitted?

18 A Yes, sir.

19 Q Okay. If you folks will give me about
20 five minutes, let's take a break. I probably don't
21 have many more questions.

22 A Okay.

23 MR. WAYMIRE: Off video at 4:50.

24 (Brief Recess.)

25 MR. WAYMIRE: All right. Let's go back

1 on. It's 4:54 p.m.

2 I'm going to stop my questioning here. I
3 understand that there's certain documents that are
4 out there that I suspect that I've asked for that
5 I don't have; that if I had them, I might ask you
6 more questions about.

7 So I propose that you evaluate whatever
8 documents there are. If you produced them, then
9 you produced them.

10 If they're privileged, then assert the
11 privilege, and we'll talk about that.

12 But if there are other documents that I'm
13 entitled to and that I have questions about, I
14 propose that we reopen the deposition and let me
15 ask those questions.

16 Subject to that, I will conclude today.

17 Is that agreeable?

18 MS. BURTON: That's fine.

19 I just -- I have one question.

20 MR. WAYMIRE: Oh, okay.

21 FURTHER EXAMINATION

22 BY MS. BURTON:

23 Q Just one.

24 A Yes, ma'am.

25 Q So going back to some of the other

1 incidents that you were recounting with Mr. Cleckner,
2 and it was that first incident that you were
3 discussing regarding a joke that was made to
4 Mr. Cleckner about him being gay with -- the inmate
5 incident? Okay, so -- yes.

6 A Oh, oh, oh, oh, no, it wasn't a joke. It
7 was a -- it was, he was frisking. He was frisking a
8 guy.

9 Q Uh-huh.

10 A And apparently he got a little too
11 frisky. And the guy said: Hey, what are you --
12 blah, blah, blah, a fag or whatever like that.

13 That's common occurrence. That happens
14 like every time you get frisked somebody says
15 something like that.

16 Q Okay.

17 A Some officers are a little more feely
18 than others. So when one's real feely, then the
19 common thing to say is: Hey, man, you know, that's
20 mine 'cause you -- you know, something like that.

21 Q So when the -- so, I guess, with the --
22 can you describe the reaction of the inmate when he
23 felt that he was being felt up a little too much?
24 Was it out of anger?

25 A Yeah, he got mad and called him a fag.

1 Q Well, can you tell me anything about his
2 physical demeanor on that?

3 MR. WAYMIRE: Whose?

4 MS. BURTON: The inmate's.

5 THE WITNESS: He snatched his hands kind
6 of like a little bit off the wall a little bit.
7 Like: Hey. You know, like he jerked when
8 Cleckner was frisking him.

9 Cleckner does this thing. Okay, if you
10 want me to just totally reiterate, Cleckner does
11 this thing where, okay, they put their hands on
12 either side of your leg like you see on TV, and
13 they go up your leg to feel anything.

14 Well, Cleckner sometimes does this thing
15 where he -- bam -- and slaps you -- you -- you
16 know, your testicles, you know, on purpose to try
17 to rough. And, you know, so people get mad about
18 that and they're like: Hey, man, you know, blah,
19 blah, blah, so...

20 Q Did that happen at this incident?

21 A Yeah, it happens a lot of times. I mean,
22 most of the time when he frisks people, he does that.

23 Some officers do it lightly. Some of
24 them give you a little slap, you know, so. He's one
25 of the slappers. Sorry. I mean, it's true. I

1 can't -- what do you want me to do? I don't...

2 Q Give me a minute on that one.

3 A He's slap-happy. Okay?

4 Q Okay. Okay. Physically other than kind
5 of, I guess, what you just described was recoiling
6 with your body language, was there any other --

7 A No.

8 Q -- physical manifestations from the
9 inmate?

10 A I apologize for not letting you finish
11 your question.

12 Q That's okay.

13 A But it sounds like you're asking me, did
14 he do any kind of physical thing to warrant being
15 treated like that? No, absolutely not.

16 He just jerked because somebody slapped
17 him in the testicles, you know, like, which is
18 understandable. And then -- and then Cleckner -- no,
19 he -- Cleckner did it because he called him a fag,
20 not because the guy jerked at him or anything like
21 that, if that's what you're asking me.

22 MS. BURTON: Okay. I don't have any
23 other questions.

24 MR. WAYMIRE: Okay. We're done for today.

25 MS. BURTON: All right.

1 MR. WAYMIRE: Thank you, folks.

2 MS. BURTON: I appreciate it.

3 THE WITNESS: Thank you.

4 MR. WAYMIRE: Off video -- so go ahead if
5 you want this on video.

6 COURT REPORTER: No, it doesn't have to
7 be.

8 MR. WAYMIRE: Off video at 4:57.

9 COURT REPORTER: What are we going to do
10 about read and sign?

11 MS. BURTON: So he's going to reserve for
12 now. We'll reserve signature on this.

13 COURT REPORTER: Okay. So you want a
14 copy so he can read it?

15 MS. BURTON: Well...

16 COURT REPORTER: 'Cause he can't get out.

17 MS. BURTON: Yeah, that's true. I don't
18 need to order a copy so I guess we'll waive
19 signature.

20 COURT REPORTER: Okay. And you want it?

21 MR. WAYMIRE: Yes, please. Can you give
22 me an electronic, please?

23 COURT REPORTER: Only?

24 MR. WAYMIRE: Yeah.

25 (Deposition Concluded at 4:57 p.m.)

(Pursuant to the Rule 30 (e) of the
Federal Rules of Civil Procedure and/or OCGA
9-11-30 (e), signature of the witness has been
waived.)

C E R T I F I C A T E

GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing deposition was stenographically recorded by me as stated in the caption, and the colloquies, questions and answers were reduce to typewriting under my direction; that the foregoing transcript is a true and correct record of the evidence given.

The above certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of BULL AND ASSOCIATES, INC., Certified Court Reporters, and the signature and original seal is attached thereto.

I further certify that I am not a relative, employee, attorney or counsel of the parties, nor am I a relative or employee of such attorney or of any party, nor am I financially interested in the outcome of the action.

This 11th day of April, 2023.

GAYE D. TRAYNOR, RPR
Certified Court Reporter and
Notary Public. My commission
expires March 31, 2024.

1 DISCLOSURE

2
3 Pursuant to Article 10.B of the Rules and Regulations of
4 the Judicial Council of Georgia, I make the following disclosure:

5 I am a Georgia Certified Court Reporter. I am here as a
6 representative of BULL AND ASSOCIATES, INC.

7 Bull and Associates, Inc. was contacted to provide court
8 reporting services for this deposition. Bull and Associates, Inc.
9 will not be taking this deposition under any contract that is
10 prohibited by O.C.G.A 9-11-28 (c) ., O.C.G.A. 15-14-37(a) and (b) .

11 Bull & Associates, Inc. has no contract/agreement to provide
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13 or any reporter or reporting agency from whom a referral might have
14 been made to cover this deposition.

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16 rates to all parties in the case, and a financial discount will not
17 be given to any party to this litigation.

18 OFFICIAL CODE OF GEORGIA ANNOTATED 15-14-37

- 19 (a) Contracts for court reporting services, not related to a
20 particular case or reporting incident, between a certified
21 court reporter or any person with whom a certified court
22 reporter has a principal and agency relationship and any
23 attorney at law, party to an action, or party having a
24 financial interest in an action, are prohibited. Attorneys
25 shall not be prohibited from negotiating or bidding reasonable
fees for services on a case-by-case basis.
- (b) In order to comply with subsection (a) of this Code Section,
each certified Court Reporter shall make inquiry regarding
the nature of the contract for his or her services directed
to the employer or the person or entity regarding said
Court Reporter's services as an independent contractor.

06-30-2020 Tue 14:20:34

Defense Exhibit

2

Med-Pod Recr

